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## February 21, 1998 (Pages 989-1114)

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# PENNSYLVANIA BULLETIN

Volume 28  
Number 8  
Saturday, February 21, 1998 • Harrisburg, Pa.  
Pages 989—1114

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Department of Public Welfare's  
Protective Services

**Agencies in this issue:**

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Delaware River Port Authority  
Department of Agriculture  
Department of Banking  
Department of Community and Economic  
Development  
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Resources  
Department of Education  
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Fish and Boat Commission  
Insurance Department  
Legislative Reference Bureau  
Pennsylvania Public Utility Commission  
Public School Employees' Retirement Board  
State Board of Education  
Turnpike Commission

**Detailed list of contents appears inside.**

**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 279, February 1998**

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**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

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## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1998.

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# THE COURTS

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Joint General Court Regulation; Court of Common Pleas and Traffic Court; No. 98-1

*Procedure for Sale of Motor Vehicles Impounded for Driving Without Operating Privileges or Registration Pursuant to 75 Pa.C.S. § 6309.2*

On July 2, 1996, Governor Thomas Ridge signed Act No. 1996-93 which authorizes the impoundment and sale of motor vehicles under certain specified situations. The within Joint General Court Regulation sets forth the procedure to be followed in implementing Section 6309.2, which authorizes the impoundment and sale of motor vehicles for driving without operating privileges or registration.

1. *Motor Vehicles Eligible for Impoundment.* Motor vehicles are subject to immobilization and impoundment for two reasons:

a. Motor vehicles driven by an unlicensed person, or while the person's operating privilege is suspended, revoked, cancelled, recalled or disqualified; or

b. Motor vehicle itself is not registered, or for which the registration is suspended for failure to secure or maintain financial responsibility.

2. *Prerequisite to Immobilization and Impoundment.* The bases identified in Section 1 above must be verified with the applicable Department of Motor Vehicles by the Philadelphia Police Department before the motor vehicle may be immobilized and impounded.

3. *Prerequisites to Impoundment.* A defendant's motor vehicle may not be impounded for a 24 hour period after it is immobilized so as to enable the owner or operator of the immobilized motor vehicle to appear in Traffic Court within 24 hours of the vehicle's immobilization and furnish proof of registration and financial responsibility and compliance with Titles 42 and 75. During that 24 hour period, however, the motor vehicle shall be immobilized and may be transferred to a secure location for safe keeping.

4. *Designation of Enforcement Officer.* The Traffic Court may, from time to time, appoint such "appropriate towing and storage agents" as may be necessary to undertake the impoundment and notification required by Act No. 1996-93.

5. *Impoundment.* Upon expiration of the 24 hour period as set forth above, if a certificate of release has not been issued evidencing compliance with 75 Pa.C.S. § 6309.2(b) and Sections 2 and 3 above, the Traffic Court shall notify the appointed towing and storage agents to impound the vehicle and store same at an appropriate location.

6. *Notice of Impoundment.* When applicable, the appropriate law enforcement officer shall issue a citation or summons to the operator of the motor vehicle. The appropriate towing and storage agent shall notify the title owner of the vehicle or combination and any lienholder and, if applicable, the owner of the load, of the fact that the motor vehicle has been impounded pursuant to 75

Pa.C.S. § 6309.2 and of their right to reclaim the said motor vehicle by showing compliance with 75 Pa.C.S. § 6309.2(b). The notice shall be substantially in the form set forth hereunder as Exhibit "A". Notice shall be sent to the addresses on file at the appropriate departments of motor vehicle by regular mail, which the Court finds to be the most expeditious means, and a Certificate of Mailing shall be obtained. Notice shall be deemed to have been provided upon the mailing of the letters as set forth herein.

7. *Obtaining Leave of Court to Sell Vehicle.* A Civil Cover Sheet, Petition and Motion Court Cover Sheet shall be filed with the Prothonotary and Civil Administration setting forth, inter alia, that prior to impounding the motor vehicle, the operator and owner of the motor vehicle were given 24 hours to obtain a certificate of release as provided in 75 Pa.C.S. § 6303.2(b), and further setting forth the efforts made to notify the operators, owners, and lienholders of record, and the fact that no certificate of release has been issued. Copies of the notices sent to the appropriate parties and the Certificates of Mailing shall be attached to the Petition. Upon review of the Petition, the President Judge of the Court of Common Pleas, or his designee, if satisfied that the required Notices were sent, that no certificate of release was issued, that the owner or operator of the impounded motor vehicle have not complied with 75 Pa.C.S. § 6309.2, and that the requisite fines and costs have not been paid, may enter an Order authorizing the Traffic Court, through its authorized agent, to sell at public auction the motor vehicles described in the said Petition. The Order shall be substantially in the form set forth hereunder as Exhibit "B".

8. *Notice of Auction Date and Rights of Owners of Record and Lienholders of Record Pending Auction.* Notice of the auction dates shall be provided as set forth in Section 6 above. Notice of the public auction shall also be provided by publication at least five (5) days before the auction in either *The Philadelphia Inquirer* or *The Philadelphia Daily News*, or as otherwise directed by the Court of Common Pleas. At any time prior to the auction date, any operator, owner, or lienholder, may obtain the release of the motor vehicle upon compliance with 75 Pa.C.S. § 6309.2(b) and upon payment of the fines, fees and costs as set forth in the Notice and as may be incurred thereafter. Upon issuance of the Certificate of Release by the Traffic Court, the motor vehicle must be picked up before the auction set forth in the notice provided as required in Section 6 above. In the event a vehicle scheduled to be auctioned on a specific date scheduled in accordance with the procedures set forth herein is not auctioned on that date, the said vehicle may be auctioned on a subsequent date provided, however, that the interested parties are provided new Notices setting forth the date of the rescheduled auction, substantially as set forth in Sections 6 and 8.

9. *List of Successful Bidders.* At the auction, the Traffic Court and/or its authorized agent, shall maintain a list of the successful bidders. The said list shall be submitted to the Court of Common Pleas within thirty (30) days after the auction so that an order may be entered, if necessary, directing the appropriate departments of transportation to extinguish title of the prior owners or lienholders of record and to issue certificates of ownership to the successful bidders. The order shall substantially be in the form set forth hereunder as Exhibit "C".

10. *Disposition of Proceeds of the Auction.* The proceeds from the auction shall be used to satisfy the various fines and costs in the following order: costs of sale (auctioneer and legal advertising); Traffic Court's costs as may be established from time to time as authorized in Section 6309.2(d); towing and storage costs; and outstanding fines due as a result of violations of the Motor Vehicle Code. Any remaining proceeds shall be subject to the demands of the original owner and lienholders, of record as their interest may appear. If not claimed within one year, any such remaining proceeds shall be forfeited to the City of Philadelphia or utilized as otherwise provided by the Court of Common Pleas.

11. *Post-Auction Petition or Relief.* Proceedings instituted after the sale or auction of any motor vehicle conducted as authorized by 75 Pa.C.S. § 6309.2 and the within Joint General Court Regulation disputing the underlying facts or offenses rendering the motor vehicle subject to sale or auction shall not invalidate the sale or auction. In the event relief is granted and the underlying offenses discharged, the only entitlement the owner and lienholder may have, if raised within the applicable limitations period, shall be the return of any remaining proceeds from the sale or auction of the motor vehicle as provided in Section 10 above.

12. *Effective Date.* This Joint General Court Regulation shall become effective immediately.

This Joint General Court Regulation is promulgated in accordance with Act 1996-93, the May 8, 1996 Order of the Supreme Court of Pennsylvania, Eastern District, No. 168 Judicial Administration, Docket No. 1, Phila. Civ. R. 51 and Pa.R.C.P. 239. As required by Pa.R.C.P. 239, the original Joint General Court Regulation shall be filed with the Prothonotary in a docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Regulation shall also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

ALEX BONAVITACOLA,  
*President Judge,*  
*Court of Common Pleas*  
BERNICE DeANGELIS,  
*Administrative Judge,*  
*Traffic Court*

**Exhibit "A"**  
**(NAME OF TOWER)**  
**(ADDRESS OF TOWER)**  
**(DATE)**

(Last Known Registered Owner's Name)  
(Address)  
(City, State, Zip)

(Lienholder of Record)  
(Address)  
(City, State, Zip)

(Operator)  
(Address)  
(City, State, Zip)

Dear \_\_\_\_\_ :

On (Date of Tow), the following vehicle, which you operated, is registered in your name, or which you are listed as a lienholder, was impounded for violation of the Motor Vehicle Code, 75 Pa.C.S. § 6309.2.

Vehicle Year:  
Vehicle Make:  
Vehicle Color:

State and Tag Displayed:  
Vehicle Identification Number:  
TC Control Number:

To recover this vehicle, you will be required to furnish proof of valid registration and financial responsibility. In addition, you are liable for a towing fee of \$75.00, a storage charge of \$5.75 per day for the first five (5) days and \$17.25 per day thereafter, until the motor vehicle is reclaimed, and an administrative cost of \$75.00 imposed by the Philadelphia Traffic Court.

Pursuant to 75 Pa.C.S. § 6309.2 and Joint General Court Regulation No. 98-1, if this vehicle is not reclaimed within fifteen (15) days of the issuance of this notice, the Philadelphia Traffic Court will petition the Philadelphia Court of Common Pleas to sell this vehicle at public auction on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. at the following location: [ ADDRESS ]. If you do not retrieve the above vehicle, you must remove any personal property from your vehicle at least 72 hours prior to the sale or we will dispose of the items. The vehicle will be stored at [ ADDRESS ].

Before you may reclaim the vehicle, you must comply with the above and make arrangements to pay the sums owed to the Philadelphia Traffic Court. You may appear in person at the Traffic Court, 800 Spring Garden Street, Philadelphia, PA, during the following times: Mon. to Fri. 8:30 a.m. to 7:00 p.m.—Sat. 9:00 a.m. to 1:00 p.m., to make all appropriate arrangements, whereupon the Traffic Court will issue a Certificate of Release which you must take with you to retrieve the above motor vehicle.

**THE MOTOR VEHICLE MUST BE PICKED UP BEFORE THE SCHEDULED AUCTION OR IT WILL BE SOLD.**

You may reclaim the above vehicle by bringing the Certificate of Release issued by the Traffic Court and an Operator's License (or, in the event the owner of the motor vehicle is not licensed as an operator, photo identification must be supplied and the vehicle may only be reclaimed by a licensed driver) along with payment of the applicable towing and storage fees and ticket fines, to: [ ADDRESS ].

**THIS IS YOUR FINAL NOTICE, IF YOU DO NOT RECLAIM OR PICK UP THIS VEHICLE IT WILL BE AUCTIONED AS SET FORTH ABOVE AND YOUR OWNERSHIP INTEREST WILL BE EXTINGUISHED AND OWNERSHIP WILL VEST TO THE SUCCESSFUL BIDDER.**

Sincerely,  
Tower

**Exhibit "B"****IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

In RE: \_\_\_\_\_ : TERM, 19  
 by \_\_\_\_\_ :  
 : NO:

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, upon Petition filed on behalf of the Traffic Court on \_\_\_\_\_, the Court being satisfied that appropriate notices were sent to the owners and lienholders of vehicles listed in Exhibit "A", as required by Joint General Court Regulation No. 98-1, copies of the notices and certificates of mailing being attached to the Petition, and the said owners or lienholders not having furnished proof of valid registration and financial responsibility, or paid, or made arrangements to pay, all fines and costs as required by 75 Pa.C.S. § 6309.2, IT IS HEREBY ORDERED and DECREED that the Traffic Court, through its authorized agent, is authorized to sell at public auction the motor vehicles described in said Petition on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ a.m./p.m., \_\_\_\_\_, Philadelphia, PA.

Notice of said public auction shall be published once at least five (5) days before the auction in either the *Philadelphia Inquirer* or the *Philadelphia Daily News*.

Petitioner shall, after the sale, submit to the Court proof of publication and a list setting forth the names of each successful bidder for the entry of an appropriate Order directing the appropriate departments of transportation to issue Certificates of Title to the successful bidders.

IT IS FURTHER ORDERED and DECREED that the net proceeds of said sale shall be distributed as provided in Section 9 of Joint General Court Regulation No. 98-1, and any remaining proceeds shall be held for one year subject to the demands of the current owners or lienholders of record of said vehicles, as their interest may appear. If not claimed within one year, any such remaining proceeds shall be forfeited to the City of Philadelphia or utilized as otherwise provided by the Court of Common Pleas.

BY THE COURT:

\_\_\_\_\_  
 BONAVITACOLA, P.J.

**Exhibit "C"****IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

In RE: \_\_\_\_\_ : TERM, 19  
 by \_\_\_\_\_ :  
 : NO:

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the Traffic Court having identified in Exhibit "A" the purchasers of the impounded motor vehicles offered for sale at public auction pursuant to this Court's Order of \_\_\_\_\_, 19\_\_\_\_, IT IS HEREBY ORDERED and DECREED that the currently registered owners' and lienholders' legal and equitable interest in those vehicles is hereby extinguished, and the appropriate departments of transportation shall cancel any certificates of title which were issued prior to this Order to other person or entity and shall issue title to said vehicles in the names of those persons identified as purchasers in Exhibit "A", upon completion of the proper forms and payment of the required fees.

BY THE COURT:

\_\_\_\_\_  
 BONAVITACOLA, P.J.

[Pa.B. Doc. No. 98-291. Filed for public inspection February 20, 1998, 9:00 a.m.]

# Title 255—LOCAL COURT RULES

## CRAWFORD COUNTY

### In the Matter of the Adoption of Rules of Criminal Procedure

#### Order

And Now, this 21st day of January, 1998 it is ordered as follows:

1. Crawford County Criminal Rule 1405 entitled "Probation/Parole General Rules and Regulations" is hereby amended with the addition of paragraph 22 as hereinafter provided:

22. If a defendant is ordered by the Court or the Adult Probation Department to undergo drug and/or alcohol treatment the defendant shall undergo such drug and/or alcohol evaluation, counseling, treatment and therapy that is recommended or required by the adult probation department or any treating physician or entity. The defendant shall sign consents to release confidential patient identifying information to the full extent for which said information can be disclosed to assist the adult probation department and the court in obtaining information in connection with monitoring the defendant's progress in treatment and to determine if future treatment or punishment is appropriate. The consent form(s) will either be prepared by the Adult Probation Department or the entity or facility providing evaluation, counseling, treatment or therapy and shall conform to federal and state alcohol and other drug confidentiality laws and regulations. Said consents shall be signed when requested by the Adult Probation Department or the treating entity or facility. The failure or refusal to sign such a consent may be deemed to be a violation of probation or parole.

2. This rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

3. The Clerk of Courts is ordered and directed to:

a. File seven (7) certified copies of this order with the Administrative Office of Pennsylvania Courts.

b. Distribute two (2) certified copies of this order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

c. File one (1) certified copy of this order with the Pennsylvania Supreme Court Criminal Procedural Rules Committee.

d. Keep continuously available for public inspection a copy of this order and the attached rules.

e. Insert a copy of this order after page 27 of the current Crawford County Rules of Criminal Procedure.

By the Court

GORDON R. MILLER,  
President Judge

[Pa.B. Doc. No. 98-292. Filed for public inspection February 20, 1998, 9:00 a.m.]

## CUMBERLAND COUNTY

### Rules of the Court of Common Pleas; No. 95-1387 Civil Term

#### Order of Court

And Now, this 30th day of January, 1998, the following Rules of the Court of Common Pleas of Cumberland County, Pennsylvania, are hereby promulgated and adopted for use, effective March 9, 1998, or thirty (30) days after publication in the *Pennsylvania Bulletin*.

Pursuant to Pa.R.C.P. 239, the Court Administrator is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette, formatted in Word Perfect 6.1 for Windows reflecting the text in the hard copy version, one (1) copy to the Supreme Court Criminal Procedural Rules Committee and/or the Supreme Court Domestic Relations Committee, and one (1) copy to the Cumberland Law Journal.

By the Court

GEORGE E. HOFFER,  
President Judge

#### Arraignment

**Rule 303-1.** Every defendant shall be arraigned before a judge, before the Clerk of Court, the Clerk's deputy or by first class mail, where the defendant is represented by counsel of record and upon timely initiative, hereinafter set forth:

(a) Arraignment shall take place at the Cumberland County Courthouse, at the Cumberland County Prison, at the State Correctional Institution at Camp Hill, by first class mail, or at such other place as may be designated by an order of the President Judge.

(1) If defense counsel chooses to have the defendant arraigned via first class mail, then the defendant and his or her counsel must complete the "acknowledgment of arraignment" form designated by Rule 303-2; and file the "acknowledgment of arraignment" form with the Clerk of Court before the date set for arraignment.

(b) Except when arraignment is done via first class mail, arraignment shall take place no later than fifteen (15) days after the information has been filed, unless waived by a defendant who has counsel, or is otherwise postponed by the court for cause shown.

(c) Defendant and counsel, if an appearance has been entered, shall receive written notice of the arraignment no later than five (5) days before the date scheduled for the arraignment.

(1) Such notice shall include a caption containing the name of the case, and the docket number and/or the offense tracking number.

(2) A completed "subpoena to appear for formal arraignment" shall be executed and given personally to the defendant by the District Justice following a preliminary hearing on the charges or a waiver thereof. Notice may also be given by first-class mail or in accordance with Pa.R.Crim.P. 9024.

(d) If a defendant is represented by private counsel, or court-appointed counsel other than the Public Defender, defendant may appear with counsel before the Clerk of Court for arraignment anytime prior to the scheduled formal arraignment, at which time counsel shall enter a formal appearance, if an appearance has not been previously entered of record.

(e) At arraignment, the defendant shall be instructed to appear at a pretrial conference pursuant to Rule 311 and trial.

Adopted January 11, 1978, effective January 16, 1978; Amended December 19, 1989, effective January 1, 1990; Amended December 8, 1997, effective January 22, 1998, Amended February 2, 1998, effective March 9, 1998.

[Pa.B. Doc. No. 98-293. Filed for public inspection February 20, 1998, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 22—EDUCATION

### STATE BOARD OF EDUCATION

#### [22 PA. CODE CH. 14]

#### Special Education Services and Programs; Extended School Year Services

The State Board of Education (Board) amends Chapter 14 (relating to special education services and programs) under authority of sections 1372, 2603-B and 2604-B of the Public School Code of 1949 (24 P.S. §§ 13-1372, 26-2603-B and 26-2604-B).

Notice of proposed rulemaking was published at 27 Pa.B. 2428 (May 17, 1997) with an invitation to submit written comments within 30 days.

#### *Purpose*

Chapter 14 governs the Commonwealth's operation of special education services and programs for eligible students. The amendments to §§ 14.1 and 14.34 (relating to definitions; and ESY services) define extended school year (ESY) services for eligible students and clarify requirements for the identification of students in need of ESY and the program itself.

ESY services address the needs of eligible students who lose behavioral patterns or skills (regression) during an interruption in educational programming and who do not recover those behavior patterns or skills (recoupment), making it unlikely that the student will attain or maintain the goals reflected in the Individualized Education Program (IEP) or make reasonable progress from year to year.

#### *Public Comments and Responses*

The Board received comments from two education organizations, three school districts and one law firm. The Board considered the public comments received during the public comment period, as well as additional public comments received after the close of the comment period. Comments were received from the House Education Committee on July 3, 1997; the Senate Education Committee on July 2, 1997; and the Independent Regulatory Review Commission (IRRC) on July 16, 1997.

IRRC recommended defining the terms "regression" and "recoupment" in § 14.1. The Board concurs and the definitions are added on final-form.

In its comments to the Department of Education (Department) regarding a proposed amendment to Chapter 342 (relating to special education services and programs), IRRC recommended adding a cross reference to ESY services in existing § 342.32 (relating to ISP), which outlines IEP development. The Board concurs with this recommendation, and the Department placed a cross reference in § 14.32(f)(3)(iii).

IRRC recommended moving the proposed revisions of § 14.34(d) to subsection (a) and incorporating the subheading "Scope" to the new subsection (a). Also, IRRC recommended adding a citation to the specific Federal laws and regulations referenced in this subsection. The Board made these changes on final-form.

IRRC and one public commentator suggested that the phrase "other factors" in proposed § 14.34(a) was vague.

In response, the Board added three examples of other factors in § 14.34(c). These factors were drawn directly from Remedial Order # 2 under *Armstrong v. Kline*, 476 F. Supp. 583 (E. D. Pa. 1979). To accommodate the addition of subsection (c), the Board moved the last sentence from proposed subsection (a) to a separate subsection, § 14.34(d).

IRRC recommended rewording of the last sentence in proposed § 14.34(b) for clarity. This was done on final-form.

IRRC, the House and Senate Education Committees, and some public commentators expressed concerns about the accuracy of the analysis of the fiscal impact of the proposed amendments. The cost estimates provided with the proposed amendments were developed using predictions from survey responses from all 29 intermediate units and 22 urban school districts, as well as analysis of data submitted annually by intermediate units to the Department regarding the number of children receiving ESY services. Given the difficulty in predicting the outcome of case-by-case decisionmaking by IEP teams in 501 school districts, the Board is satisfied with the original cost estimates and does not agree that additional fiscal analysis would produce more reliable predictive conclusions. As stated with the proposed amendments, the costs of ESY services are expected to be offset by Federal funds within the Individuals with Disabilities Education Act (IDEA) Part B subgrants of the intermediate units. Finally, concerns about the fiscal impact of the amendments need to be weighed against the costs of litigation promised by the *Armstrong* plaintiff's counsel if the amendment were not promulgated.

#### *Affected Parties*

These amendments will benefit Commonwealth students who are eligible for special education services and programs and who need ESY services to enable them to receive a free appropriate public education. The amendments also affect the parents and guardians of these students, as well as all school districts and intermediate units by providing clear policy for ESY services.

#### *Cost and Paperwork Estimates*

Costs imposed on State government will be for providing training and technical assistance to school districts and intermediate units in interpreting and implementing the amendments and accompanying revised standards under Chapter 342. These efforts are ongoing for various sections of the regulations, so the changes in amendments will not materially affect the State's costs.

The number of students entitled to ESY services should not increase significantly as a result of these amendments, since each district must consider all eligible students for ESY services if regression and limited recoupment capacity warrant this consideration. Costs may increase slightly because of the demand expectations created by bringing attention to the issue. ESY services are already being provided to approximately 3,000 students in this Commonwealth. The Board is not aware of students in this Commonwealth who are entitled to ESY services but are not receiving them. As a result of the Department's analysis of fiscal impact, the maximum increase in the number of students served would be less than 10%. Given an average cost of services of \$1,968, a 10% increase would result in a total added cost across

this Commonwealth of approximately \$590,000. These costs are expected to be offset by Federal IDEA Part B funds within the budgets of intermediate units. The fiscal impact on school districts should be minimal.

Amendments to §§ 14.1, 14.32 and 14.34 will not substantially alter paperwork, accounting or reporting requirements already in place.

*Effective Date*

These amendments will become effective upon final publication in the *Pennsylvania Bulletin*.

*Sunset Date*

The effectiveness of Chapter 14 (including §§ 14.1 and 14.34) will be reviewed by the Board every 4 years, in accordance with the Board's policy and practice respecting regulations and standards promulgated by the Department and Board. Thus, no sunset date is necessary.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 7, 1997, the Board submitted a copy of the notice of proposed rulemaking published at 27 Pa.B. 2428 to IRRC and to the Chairpersons of the House and Senate Committees on Education for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments received as well as other documentation.

In preparing these final-form regulations, the Board has considered the comments received from IRRC, the Committees and the public.

These final-form regulations were deemed approved by the Committees on December 31, 1997, and were approved by IRRC on January 13, 1998, in accordance with section 5(c) of the Regulatory Review Act.

*Contact Person*

The official responsible for information on the Board's process of promulgating these final-form regulations is Dr. Peter H. Garland, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787. The official responsible for implementation of these final-form regulations is William Penn, Director, Bureau of Special Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 783-6913.

*Findings*

The Board finds that:

(1) Public notice of the intention to adopt these amendments was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The amendments are necessary and appropriate for the administration of the Public School Code of 1949 (24 P. S. §§ 1-101—27-2702).

*Order*

The Board, acting under the authorizing statute, orders that:

(a) The regulations of the Board, 22 Pa. Code Chapter 14, are amended by amending §§ 14.1, 14.32 and 14.34 to read as set forth at Annex A, with ellipses referring to the existing text of the regulations.

(b) The Executive Director will submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Executive Director of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order is effective upon final publication in the *Pennsylvania Bulletin*.

PETER H. GARLAND,  
*Executive Director*

(*Editor's Note:* The amendment of § 14.32 was not included in the proposal at 27 Pa.B. 2428.)

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 588 (January 31, 1998).)

**Fiscal Note:** Fiscal Note 6-260 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 22. EDUCATION**

**PART I. STATE BOARD OF EDUCATION**

**CHAPTER 14. SPECIAL EDUCATION SERVICES AND PROGRAMS**

**§ 14.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*ESY—Extended school year services*—Special education or related services provided outside of a standard schedule of school days within a school term, for the purpose of ensuring the provision of a free appropriate public education to an eligible student.

\* \* \* \* \*

*Recoupment*—Recovery of skills or behavioral patterns, or both, specified on the IEP to a level demonstrated prior to the interruption of educational programming.

*Regression*—Reversion to a lower level of functioning evidenced by a measurable decrease in the level of skills or behaviors which occurs as the result of an interruption in educational programming.

\* \* \* \* \*

**§ 14.32. IEP.**

\* \* \* \* \*

(f) The IEP of each exceptional student shall contain the following:

\* \* \* \* \*

(3) A statement of the specific special education services and programs and related services to be provided to the student, including if appropriate the following:

\* \* \* \* \*

(iii) ESY services as provided for in §§ 14.34 and 342.34 (relating to ESY services).

\* \* \* \* \*

**§ 14.34. ESY services.**

(a) This section may not be construed or applied to require more than is required by Federal law and regula-



tions, particularly the requirements of the Individuals with Disabilities Education Act (20 U.S.C.A. §§ 1400—1485) and its implementing regulations.

(b) An eligible student is entitled to ESY services if regression caused by interruption in educational programming and limited recoupment capacity, or other factors, makes it unlikely that the student will attain or maintain skills and behavior relevant to established IEP goals and objectives.

(c) Examples of other factors in addition to regression and recoupment include:

(1) The extent to which the student has mastered and consolidated an important skill or behavior at the point when educational programming would be interrupted.

(2) The extent to which a skill or behavior is particularly crucial to reaching the goals of self-sufficiency and independence from caretakers.

(3) The extent to which successive interruptions in educational programming reduce a student's motivation and trust and may lead to an irreversible withdrawal from the learning process.

(d) School districts are responsible for considering the need for ESY services for each eligible student, including each student placed by the district in an approved private school or other placement site not operated by the school district.

(e) Consideration of the need for ESY services shall occur at the IEP team meeting to be convened at least annually, or more frequently if conditions warrant consistent with § 14.32(i)(3) (relating to IEP). Consideration means that ESY services are raised and discussed at the IEP team meeting. In making a determination that a student is eligible for ESY services, the IEP team shall rely on criteria in Chapter 342 (relating to special education services and programs) and applicable judicial decisions.

(f) The need for ESY services will not be based on any of the following:

(1) The desire or need for day care or respite care service.

(2) The desire or need for a summer recreation program.

(3) The desire or need for other programs or services which, while they may provide educational benefit, are not required to ensure the provision of a free appropriate public education.

[Pa.B. Doc. No. 98-294. Filed for public inspection February 20, 1998, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### [22 PA. CODE CH. 342]

#### Special Education Services and Programs; Extended School Year Services

The Department of Education (Department) amends § 342.34 (relating to ESY services) to read as set forth in Annex A, under the authority of section 1372 of the Public School Code of 1949 (24 P.S. § 13-1372) and § 14.3 (relating to standards).

Notice of proposed rulemaking was published at 27 Pa.B. 2423 (May 17, 1997).

#### Purpose

Chapter 342 governs the Commonwealth's operation of special education services and programs for eligible students. Amendments to § 342.34 establish definitions, criteria and procedures for considering and documenting the need for extended school year (ESY) services for eligible students under Chapter 14 (relating to special education services and programs).

ESY services address the needs of eligible students who lose behavioral patterns or skills (regression) during an interruption in educational programming and who do not recover those behavior patterns or skills (recoupment), making it unlikely that the student will attain or maintain the goals as reflected in the Individualized Education Program (IEP) or make reasonable progress from year to year.

#### Public Comments and Responses

The Secretary of Education (Secretary) reviewed comments submitted to the State Board of Education (Board) by two education organizations, three school districts and one law firm. The Secretary considered the public comments received during the public comment period, as well as additional public comments received after the close of the comment period. Comments were received from the House Education Committee on July 3, 1997; from the Senate Education Committee on July 2, 1997; and the Independent Regulatory Review Commission (IRRC) on July 16, 1997.

IRRC recommended that the acronym, "ESY," be defined in § 342.34(a). The definition was added on final form.

IRRC and at least one public commentator expressed concerns about the clarity of the factors to be considered by IEP teams. To increase clarity, the Secretary added a reference to § 14.34 in subsection (b), because both § 14.34 and § 342.24 (relating to ESY services; and instructional support) mention factors to be considered.

IRRC and at least one public commentator pointed out that the phrase, "disabilities thought of as severe," in subsection (c) is not defined and is therefore open to a host of different interpretations. IRRC recommended that the requirement to pay particular attention to students with disabilities thought of as severe be eliminated. The Secretary did not eliminate this requirement because it is drawn directly from Remedial Order # 2 under *Armstrong v. Kline*, 476 F. Supp. 583 (E. D. Pa. 1979). However, the Secretary concurs that the phrase, "disabilities thought of as severe," may be interpreted differently. Therefore, specific examples of disabilities thought of as severe were added to subsection (c). These examples were drawn directly from Remedial Order # 2 under *Armstrong v. Kline*. The Secretary believes that this revision satisfies the expressed concerns while maintaining the court's requirement to pay particular attention to students who are more likely to need ESY services.

IRRC pointed out that subsection (c) lacked clarity because the first sentence prescribed duties for IEP teams and the second sentence prescribed duties for school districts. The Secretary concurs and changed the second sentence on final form. IRRC also suggested that the second sentence be split into its own subsection. The Secretary believes that, for clarity, the two sentences need to be read as a unit, and therefore need to be in one subsection.

During review of the proposed standards in light of public comment, Department staff became aware that a literal reading of subsection (e)(1) was that goals make progress, when, in fact, students make progress on goals. The Secretary modified the subsection for clarity on final form.

IRRC recommended that the phrase, "other appropriate measures," in subsection (e)(6), be made more specific to narrow the range of interpretations. The Secretary concurs with this recommendation and substituted the word "equivalent" for "appropriate" on final form.

IRRC pointed out a typographical error in subsection (e)(6). "Ecological like skills" should have read "ecological life skills." The correction was made on final-form.

IRRC recommended that a cross-reference to subsection (f), regarding documentation of ESY on IEPs, be added to § 342.32, regarding IEPs. The Secretary concurs that a cross-reference is helpful. However, the Secretary believes that the logical place for a cross-reference is in Chapter 14, which specifically requires IEPs to contain statements about ESY if appropriate. Therefore, a cross-reference to both §§ 14.34 and 342.34 was added by the Board to § 14.32(f)(3)(iii).

IRRC, the House and Senate Education Committees, and some public commentators expressed concerns about the accuracy of the analysis of the fiscal impact of the proposed amendment. The cost estimates provided with the proposed amendment were developed using predictions from survey responses from all 29 intermediate units and 22 urban school districts, as well as analysis of data submitted annually by intermediate units to the Department regarding the number of children receiving ESY services. Given the difficulty in predicting the outcome of case-by-case decisionmaking by IEP teams in 501 school districts, the Secretary is satisfied with the original cost estimates and does not agree that additional fiscal analysis would produce more reliable predictive conclusions. As stated with the proposed amendment, the costs of ESY services are expected to be offset by Federal funds within the Individuals with Disabilities Education Act (IDEA) Part B subgrants of the intermediate units. Finally, concerns about the fiscal impact of the regulation need to be weighed against the costs of litigation promised by the *Armstrong* plaintiff's counsel if the amendment was not adopted.

#### *Affected Parties*

The amendments will benefit Commonwealth students who are eligible for special education services and programs and who need ESY services to enable them to receive a free appropriate public education. The amendments also affect the parents and guardians of these students, as well as all school districts and intermediate units by providing clear policy for implementation and dispute resolution.

#### *Cost and Paperwork Estimates*

Costs imposed on State government will be for providing training and technical assistance to school districts and intermediate units in interpreting and implementing the new amendment. These efforts are ongoing for various sections of the amendment, so the amendment will not materially affect the State's costs.

The number of students entitled to ESY services should not increase significantly as a result of this amendment, since each district must consider all eligible students for

ESY services if regression and limited recoupment capacity warrant this consideration. Costs may increase slightly because of the demand expectations created by bringing attention to the issue. ESY services are already being provided to approximately 3,000 students in this Commonwealth. The Department is not aware of students in this Commonwealth who are entitled to ESY services but are not receiving them. As a result of the Department's analysis of fiscal impact, the maximum increase in the number of students served would be less than 10%. Given an average cost of services of \$1,968, a 10% increase would result in a total added cost across the Commonwealth of approximately \$590,000. These costs are expected to be offset by Federal IDEA Part B funds within the budgets of intermediate units. The fiscal impact on school districts should be minimal.

The amendment to § 342.34 will not substantially alter paperwork, accounting or reporting requirements already in place.

#### *Effective Date*

This amendment will become effective upon final publication in the *Pennsylvania Bulletin*.

#### *Sunset Date*

The effectiveness of Chapter 342 (including § 342.34) will be reviewed by the Department and Board every 4 years, in accordance with the Board's policy and practice respecting all regulations and standards promulgated by the Department and Board. Thus, no sunset date is necessary.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 7, 1997, the Department submitted a copy of the notice of proposed rulemaking published at 27 Pa.B. 2423 to IRRC and to the Chairpersons of the House and Senate Committees on Education for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments received as well as other documentation.

In preparing this final-form regulation, the Department has considered the comments received from IRRC, the Committees and the public.

This final-form regulation was deemed approved by the Committees on December 31, 1997, and was approved by IRRC on January 13, 1998, in accordance with section 5(c) of the Regulatory Review Act.

#### *Contact Person*

The official responsible for information on the process of promulgating this final-form regulation and for their implementation is William Penn, Director, Bureau of Special Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 783-6913.

#### *Findings*

The Department finds that:

(1) Public notice of the intention to adopt this amendment was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder in 1 Pa. Code, §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The amendment is necessary and appropriate for the administration of the Public School Code of 1949 (24 P. S. §§ 1-101—27-2702).

#### *Order*

The Department of Education, acting under authorizing statute orders that:

(a) The regulations of the Department, 22 Pa. Code Chapter 342, are amended by amending § 342.34 to read as set forth in Annex A.

(b) The Secretary will submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Secretary will certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order is effective upon final publication in the *Pennsylvania Bulletin*.

EUGENE W. HICKOK,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 588 (January 31, 1998).)*

**Fiscal Note:** Fiscal Note 6-259 remains valid for the final adoption of the subject regulation.

#### **Annex A**

### **TITLE 22. EDUCATION**

### **PART XVI. STANDARDS**

### **CHAPTER 342. SPECIAL EDUCATION SERVICES AND PROGRAMS**

#### **IEP**

#### **§ 342.34. ESY services.**

(a) The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*ESY services*—Extended school year services.

*IEP*—Individual Education Program.

*Recovery*—Recovery of skills or behavioral patterns, or both, specified on the IEP to a level demonstrated prior to the interruption of educational programming.

*Regression*—Reversion to a lower level of functioning evidenced by a measurable decrease in the level of skills or behaviors which occurs as the result of an interruption in educational programming.

(b) Factors such as those listed in this section and § 14.34 (relating to ESY services) shall be considered by IEP teams whenever relevant, but no single factor is determinative of need for ESY services.

(c) When considering the need for ESY services, the IEP team shall pay particular attention to students with disabilities that are thought of as severe (that is, students with autism/pervasive developmental disorder, serious emotional disturbance, severe levels of mental retardation, degenerative impairments with mental involvement and severe multiple disabilities) and to IEP goals that are associated with self-sufficiency and independence from

caretakers. IEP teams may not limit their consideration of need for ESY services to students with particular types or degrees of disability, particular student goals, particular methods of programming provided during the regular school term, or the availability of retrospective data on regression and recoupment.

(d) ESY services shall be designed to attain or maintain skills and behaviors relevant to established IEP goals and objectives.

(e) Reliable sources of information regarding a student's educational needs, propensity to progress, recoupment potential, and year-to-year progress may include the following:

(1) Progress on goals in consecutive IEPs.

(2) Progress reports maintained by educators, therapists and others having direct contact with the student before and after interruptions in the education program.

(3) Reports by parents of negative changes in adaptive behaviors or in other skill areas.

(4) Medical or other agency reports indicating degenerative-type difficulties which become exacerbated during breaks in educational services.

(5) Observations and opinions by educators, parents and others.

(6) Results of tests including criterion-referenced tests, curriculum-based assessments, ecological life skills assessments and other equivalent measures.

(f) Documentation that ESY services have been considered shall be made on each eligible student's IEP. When determined to be necessary by the IEP team, ESY services shall be reflected on a student's IEP.

[Pa.B. Doc. No. 98-295. Filed for public inspection February 20, 1998, 9:00 a.m.]

## **Title 58—RECREATION**

### **FISH AND BOAT COMMISSION**

#### **[58 PA. CODE CH. 93]**

#### **Corrective Amendment to 58 Pa. Code § 93.13**

The Fish and Boat Commission has discovered a discrepancy between the agency text of 58 Pa. Code § 93.13(d) and (e) (relating to issuing agents), as deposited with the Legislative Reference Bureau, and the official text as published at 28 Pa.B. 40 (January 3, 1998) and which will appear in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 280), in March 1998. The amendment to § 93.13(d) and (e) was represented inaccurately.

Therefore, under 45 Pa.C.S. § 901: The Fish and Boat Commission has deposited with the Legislative Reference Bureau a corrective amendment to 58 Pa. Code § 93.13. The corrective amendment to 58 Pa. Code § 93.13 is effective as of January 3, 1998, the date the defective official text was printed in the *Pennsylvania Bulletin*.

The correct version of 58 Pa. Code § 93.13 appears in Annex A.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart C. BOATING**

**CHAPTER 93. BOAT REGISTRATION AND  
NUMBERING**

**§ 93.13. Issuing agents.**

(a) The designation of issuing agents for temporary boat registrations shall be limited to the Commission and Commission offices, county treasurers and businesses dealing in boats, boating equipment or sporting goods.

(b) To maintain an agency, the agent shall issue at least 25 temporary boat registrations during the calendar year.

(c) If the Executive Director determines that a sufficient number of agents are not available in an area

reasonably to address the needs of the boating public, the Executive Director may appoint additional agents from other interested individuals or reduce the number of temporary boat registrations that existing agents are required to issue during the year.

(d) The Commission will collect and deposit in the Boat Fund the \$2 issuing agent fee for all temporary boat registrations issued by Commission offices.

(e) Issuing agents shall have access to nonpublic information concerning holders of boat registrations and titles, including their home addresses. Issuing agents who are provided nonpublic information about boat registration holders or boat owners in the course of their duties may not release or disclose the nonpublic information except for official purposes.

[Pa.B. Doc. No. 98-296, Filed for public inspection February 20, 1998, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF HEALTH

[28 PA. CODE CH. 6]

### Drugs Which May Be Used by Qualified Optometrists

The Department of Health hereby gives notice that it inadvertently included in its proposed regulations to amend 28 Pa. Code Chapter 6 (relating to drugs which may be used by qualified optometrists), published in the *Pennsylvania Bulletin*, Vol. 28, No. 5, January 31, 1998, pp. 485—488, the following language in sections 6.1(b)(7)(ii) and (iv): “and on the prescription form.”

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 98-297. Filed for public inspection February 20, 1998, 9:00 a.m.]

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# NOTICES

## DELAWARE RIVER PORT AUTHORITY

### Request for Proposals

FTA Project No. NJ-03-0086; Contract No. 11-E; PATCO Public Address and Train Identification and Announcement Systems

Sealed proposals for Contract No. 11-E, PATCO Public Address and Train Identification and Announcement Systems, will be received during normal business hours, at the office of the Director of Engineering/Chief Engineer in the headquarters building of the Delaware River Port Authority, One Port Center, 2 Riverside Drive, Camden, NJ until 10:30 a.m., Tuesday, April 7, 1998, and immediately taken to the Engineering Conference Room and publicly opened and read.

The work to be completed under this contract consists of the design, manufacture, provision, installation, test and acceptance of a new integrated Train Identification and Passenger Information Display/Public Address System. These systems will be implemented at all 13 PATCO stations. This contract will include the following system components: Train Identification System; Passenger Information System; Variable Message Sign System; Public Address System; Miscellaneous Hardware.

This contract is subject to a financial assistance contract between the Delaware River Port Authority (Authority) and the United States Department of Transportation. The contractor will be required to comply with all applicable equal employment opportunity and affirmative action laws and regulations. All bidders will be required to certify that they are not on the Comptroller General's list of ineligible contractors.

The Authority is firmly committed to providing equal employment and business opportunities for all persons regardless of race, color, religion, sex, national origin, age or nonjob related disability. The prospective bidder shall not discriminate against any employee, applicant for employment or independent contractor on the basis of race, color, religion, sex, national origin, age or nonjob related disability. This project will be funded with substantial assistance from the Federal Transit Administration (FTA), consequently compliance with all appropriate Federal regulations is required. Under USDOT Rules and Regulations in 49 CFR Part 23, the Authority has established a Disadvantaged Business Program. It is the policy of the Authority that Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 23, shall have the maximum opportunity to compete for and perform all projects. The Disadvantaged Business Enterprise Program includes an overall goal of 12% DBE participation in all service contracts. Firms responding to this advertisement are hereby advised that the use of DBE firms is a matter of great interest in the evaluation of all bids and will be a factor considered in the contract award process.

A complete description of the work and full information for contract bidders is given in the contract documents. Copies of the contract documents may be obtained by prospective bidders at the Authority's Engineering Office located on the seventh floor of One Port Center, 2 Riverside Drive, Camden, NJ 08101-1942 on or after

Tuesday, March 10, 1998. A deposit of \$50 cash or by check, made payable to the Delaware River Port Authority, will be required for each set of contract documents. Deposits will be refunded to anyone submitting a bid (limit of \$200 for four sets). Deposits will not, under any circumstances, be refunded to individuals or companies not submitting bids to the Authority. Contract documents cannot be ordered nor delivered by mail.

A nonmandatory Prebid Meeting will be held starting at 10 a.m. on Wednesday, March 25, 1998, in the Multi-Purpose Room located on the 11th floor of One Port Center, 2 Riverside Drive, Camden, NJ. All bidders shall be expected to completely and thoroughly examine all contract documents to become fully aware of the project scope and requirements prior to submitting a bid. All potential bidders are encouraged to review the contract documents prior to the Prebid meeting.

The Authority will consider only those bids received from parties who have obtained contract documents directly from the Authority. Contract documents are not transferrable to other parties for bidding purposes. Bids received from firms whose names are not recorded by the Authority as having secured documents for this contract will be rejected.

PAUL DRAYTON,  
Chief Executive Officer

[Pa.B. Doc. No. 98-298. Filed for public inspection February 20, 1998, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Referendum on Continuation of the Pennsylvania Vegetable Marketing and Research Program

I. The Pennsylvania Vegetable Marketing and Research Program (program) was initially established in 1989 under the provisions of the Agricultural Commodities Marketing Act of 1968 (act), as amended (3 P. S. §§ 1001-1012). The act requires that the Secretary of Agriculture call a referendum of affected producers every 5 years to determine whether or not a majority of those voting still desire the program. The program was continued through a review referendum conducted in 1993. It is now time for another review referendum to determine whether a majority of the vegetable producers still desire for the program to continue.

II. *Referendum Period:* The referendum period shall be March 20, 1998, until 4 p.m. on April 3, 1998. Completed ballots shall be mailed or hand-delivered to the Office of the Secretary of Agriculture, Room 211, 2301 North Cameron Street, Harrisburg, PA 17110-9408. Hand-delivered ballots must be received by 4 p.m. on April 3, 1998. Ballots that are mailed must be postmarked no later than April 2, 1998, and received no later than April 8, 1998.

III. *Notice of Referendum:* This referendum order and an official ballot shall be mailed no later than March 20, 1998 to all affected producers whose names appear on the list of Pennsylvania vegetable producers maintained in

the Office of the Secretary of Agriculture. Additional copies of the same materials shall be made available at the Office of the Secretary of Agriculture.

IV. *Eligible Voters:* The rules governing the eligibility of a producer for voting are as follows: The record date for determination of whether a producer is eligible to vote is October 31, 1997. All vegetable producers who grow 1 or more acres of vegetables for sale are eligible to vote, as are all producers who grow vegetables for sale in 1,000 square feet or more of greenhouse area. Greenhouse area used to produce vegetable transplants for outdoor use shall not be included. All producers with 1 or more acres of vegetable production or 1,000 or more square feet of greenhouse vegetable production, as of October 31, 1997, are entitled to vote.

V. *Counting of Ballots:* The ballots will be canvassed and counted by a Teller Committee appointed by the Secretary of Agriculture. The counting of the ballots will begin at 10 a.m., Friday, April 10, 1998, in the State Agriculture Building, Harrisburg, PA. The Secretary will

announce the results of the referendum within 30 days following the completion of the referendum period. The results will be published in the *Pennsylvania Bulletin* and disseminated to the news media.

VI. *Reporting Irregularities:* Any irregularities or disputes concerning the referendum procedures must be reported in written form to the Secretary of Agriculture not later than 7 calendar days from the end of the referendum period.

VII. *Publication:* This referendum order shall be published in the *Pennsylvania Bulletin* and the *Patriot-News*.

VIII. *Effective Date:* The foregoing order shall be effective from and after the 20th day of February, 1998.

SAMUEL E. HAYES, Jr.,  
Secretary

[Pa.B. Doc. No. 98-299. Filed for public inspection February 20, 1998, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code has taken the following action on applications received for the week ending February 10, 1998.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
1-31-98	First Union Corporation, Charlotte, North Carolina, To indirectly acquire control of Mentor Trust Company, Philadelphia, Pennsylvania	Charlotte, N.C.	Effective
2-9-98	BCB Financial Services Corporation, Reading, and Heritage Bancorp, Inc., Pottsville, to be acquired by "New Holding Company," Reading (Name to be Determined)	Reading	Filed

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-4-98	Northwest Savings Bank, Warren, and Corry Savings Bank, Corry Surviving Institution— Northwest Savings Bank, Warren	Warren	Approved
2-9-98	Financial Trust Company Chambersburg Franklin County  Purchase of assets/assumption of liabilities of seven Branch Offices of Pennsylvania National Bank and Trust Company, Pottsville, located at:  5137 Jonestown Road Harrisburg Dauphin County  1002 N. Seventh Street Harrisburg Dauphin County  5074 Jonestown Road Harrisburg Dauphin County	Chambersburg      1661 E. Chocolate Avenue Hershey Dauphin County  N. Front and Market Sts. Harrisburg Dauphin County  2151 Linglestown Road Harrisburg Dauphin County	Approved

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
		4231 Trindle Road Camp Hill Cumberland County	

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-4-98	C & G Savings Bank Altoona Blair County	<i>To:</i> Shoemaker Street Nanty Glo Cambria County  <i>From:</i> 920 Chestnut Street Nanty Glo Cambria County	Filed
2-6-98	Mid-State Bank and Trust Company Altoona Blair County	<i>To:</i> 301 West Plank Road Altoona Blair County  <i>From:</i> 908 Logan Boulevard Altoona Blair County	Approved
2-9-98	Abington Savings Bank Jenkintown Montgomery County	<i>To:</i> 1536 Easton Road Horsham Montgomery County  <i>From:</i> 1432 Easton Road Warrington Bucks County (Approved/Unopened)	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-31-98	S & T Bank Indiana Indiana County	Second Avenue and Hicks Street Leechburg Armstrong County	Effective

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 98-300. Filed for public inspection February 20, 1998, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Local Government Capital Project Loan Program

#### *Application Notice*

The Department of Community and Economic Development (Department) announces the opening of the application period of funding for the Local Government Capital Project Loan Program for State Fiscal Year 1997-98. Local governments applying for assistance shall do so by utilizing the Single Application for Assistance. Loan applications will be accepted at the Customer Services Center,

Forum Building, Harrisburg, PA 17120. Requests for assistance can be submitted any time throughout the year.

The purpose of the program is to provide low interest loans to municipalities with populations of 12,000 or less for the purchase of equipment and the purchase, construction, renovation or rehabilitation of municipal facilities. The program is intended to give small local governments, who find the cost of borrowing at conventional rates to be prohibitive, an opportunity to secure needed funds at an interest rate of 2.0% per annum. Repayment will be made over a period not to exceed 10 years or the useful life of the equipment or facilities whichever is less.

Authority for the Local Government Capital Project Loan Program is provided in Act 46 of 1997, the Local Government Capital Project Loan Fund.



*Application Information*

For more information or to obtain application forms, contact one of the following offices: Customer Services Center, Forum Building, Harrisburg, PA 17120, (800) 379-7448 or Center for Local Government Services, Room 325 Forum Building, Harrisburg, PA 17120, (888) 223-6837.

Persons with a disability who wish to submit an application in accordance with the provisions stated herein and who require assistance with that application and persons who require copies of this notice in an alternate format (large type, braille, and the like) should contact Sharon L. Grau, Center for Local Government Services, (888) 223-6837 to discuss how the Department may best accommodate their needs.

SAMUEL A. McCULLOUGH,  
*Secretary*

[Pa.B. Doc. No. 98-301. Filed for public inspection February 20, 1998, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Approval of the Clarion River Conservation Plan

The Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation has approved the Clarion River Conservation Plan and is placing the Clarion River, the river basin and all tributaries covered in the plan on the Pennsylvania Rivers Conservation Registry (Registry).

On October 15, 1997, the Headwaters Resource Conservation and Development Council submitted the Clarion River Conservation Plan and other required information to gain Registry status.

After review of the Plan and the other information, the DCNR has determined that PA Rivers Conservation Program requirements have been satisfied and places the following on the Registry:

1. The Clarion River from the confluence with the Allegheny River to its headwaters.
2. The river basin area of the Clarion River.
3. All tributary streams within the Clarion River Basin area.

This action becomes effective February 21, 1998. Projects identified in the Clarion River Conservation Plan become eligible for implementation, development or acquisition grant funding through the PA Rivers Conservation Program.

A copy of the Final Plan is available for review at the Headwaters Resource and Development Council, Agricultural Service Center, 478 Jeffers Street, DuBois, PA 15801, (814) 375-1372 Ext. 203; and Department of Conservation and Natural Resources, Rachel Carson

State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17105-8475, (717) 787-2316.

Maps and supporting data are on file at the Headwaters Resource Conservation and Development Council Office.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 98-302. Filed for public inspection February 20, 1998, 9:00 a.m.]

### Approval of the Monongahela River Conservation Plan

The Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation has approved the Monongahela River Conservation Plan (prepared for the Boroughs of Brownsville, California, Centerville, Coal Center, Newell, West Brownsville and Luzerne Township) and is placing the segment of the Monongahela River studied in the plan on the Pennsylvania Rivers Conservation Registry (Registry).

On November 22, 1997, the Brownsville Borough submitted the Monongahela River Conservation Plan and other required information to gain Registry status.

After review of the Plan and the other information, the DCNR has determined that PA Rivers Conservation Program requirements have been satisfied and places the following on the Registry:

#### 1. A segment of the Monongahela River:

- Eastern side of the river; 24.5 miles: Newell Borough (Navigational river mile marker (MM) 49.5) to Luzerne Township (MM 74.0) in Fayette County.
- Western side of the river; 13.0 miles: Coal Center Borough (MM 49.5) to Centerville Borough (MM 62.5) in Washington County.

2. The river corridor adjacent to the designated river segments (see Figure 2). The corridor width varies, but is generally 1 mile on either side of the river or to the ridge of the steepest slope.

3. The portion of the following tributaries, extending from the mouth, upstream.

- Redstone Creek, Fayette County; 2.75 linear miles.
- Dunlap Creek, Fayette County; 1 linear mile.
- Pike Creek, Washington County; 1 linear mile.

This action becomes effective February 21, 1998. Projects identified in the Monongahela Plan become eligible for implementation, development or acquisition grant funding through the PA Rivers Conservation Program.

A copy of the Final Plan is available for review at Brownsville Borough Office, Second and High Streets, Brownsville, PA 15417, (412) 785-5761; and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17105-8475, (717) 787-2316.

Maps and supporting data are on file at the Brownsville Borough Offices.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 98-303. Filed for public inspection February 20, 1998, 9:00 a.m.]

### Approval of the Upper Mahoning Creek Watershed River Conservation Plan

The Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation has approved the Upper Mahoning Creek Watershed River Conservation Plan and is placing the Mahoning Creek (upstream from the confluence with the Little Mahoning Creek), the watershed and all tributaries covered in the plan on the Pennsylvania Rivers Conservation Registry (Registry).

On October 31, 1997, Jefferson County, Department of Development, submitted the Upper Mahoning Creek Watershed River Conservation Plan and other required information to gain Registry status.

After review of the Plan and the other information, the DCNR has determined that PA Rivers Conservation Program requirements have been satisfied and places the following on the Registry:

1. A segment of the Mahoning Creek, known locally as the Upper Mahoning Creek (upstream from the confluence with the Little Mahoning Creek).
2. The watershed area of the Upper Mahoning Creek.
3. All tributary streams within the Upper Mahoning Creek Watershed area.

This action becomes effective February 21, 1998. Projects identified in the Upper Mahoning Watershed River Conservation Plan become eligible for implementation, development or acquisition grant funding through the PA Rivers Conservation Program.

A copy of the Final Plan is available for review at Jefferson County Department of Development, Jefferson Place, 155 Main Street, 2nd Floor, Brookville, PA 15825, (814) 849-3047; and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17105-8475, (717) 787-2316.

Maps and supporting data are on file at the Jefferson County Department of Development Office.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 98-304. Filed for public inspection February 20, 1998, 9:00 a.m.]

### State Parks Natural Areas

Based upon the favorable comments received during the public comment period, the following areas will be added to the State Parks Natural Areas listing under 25 Pa. Code § 11.115 (relating to natural area designation procedure).

The contact person for this notice is Roger Fickes, Director, Bureau of State Parks, P. O. Box 8551, Harrisburg, PA 17105-8551.

JOHN C. OLIVER,  
*Secretary*

### Approved Additions

<i>Name</i>	<i>Acreage</i>	<i>Park</i>	<i>Location</i>	<i>Feature</i>
Pine Creek Gorge	699	Colton Point and Leonard Harrison	Tioga Co., Tiadaghton Quad., off U. S. Rt. 6 and PA Rt. 660	Forms a portion of PA Grand Canyon; park vistas on east and west rims overlook scenic gorge; some rare plants.
Slippery Rock	92	Moraine	Butler Co., Slippery Rock Quad., off PA Rt. 488	Floodplain forest of northern hardwoods and adjacent palustrine and shrub-scrub wetlands contain diverse and rare plants.
Slippery Rock Gorge	1,296	McConnells Mill	Lawrence Co., Portersville Quad., off U. S. Rt. 422	Steep gorge with numerous rock outcrops and boulders; northern hardwood—conifer forests; contains areas of old growth forest and rare plants; National Natural Landmark.
River Islands	102	Delaware Canal	Bucks Co., Easton, Riegelsville, and Stockton Quads., off PA Rt. 611 and PA Rt. 32	Seven islands in the Delaware River containing natural plant communities and many rare plants.

<i>Name</i>	<i>Acreage</i>	<i>Park</i>	<i>Location</i>	<i>Feature</i>
Black Bear and Bender Swamps	1,600	Tobyhanna	Monroe Co., Tobyhanna Quad., off PA Rt. 423	Acidic shrub swamps; openings contain spagnum moss; rare plants and animals.

[Pa.B. Doc. No. 98-305. Filed for public inspection February 20, 1998, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

#### APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

##### [National Pollution Discharge Elimination System Program (NPDES)]

##### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### Applications for National Pollutant Discharge Elimination System (NPDES) permit to discharge to State waters.

*Southeast Regional Office: Regional Manager, Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.*

**PA 0026531.** Sewage, **Downingtown Regional Water Pollution Control Center**, P. O. Box 8, 347 North Pottstown Pike, Downingtown, PA 19341.

This application is for amendment of an NPDES permit to discharge treated sewage from the Downingtown Regional Water Pollution Control Center in East Caln Township, **Chester County**. This is an existing discharge to East Branch Brandywine Creek.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation.

The proposed amendment to the effluent limits for Outfall 001, based on an average flow of 7.0 mgd is as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.50		1.6

This requirement goes into effect after the third year from the renewal issuance date (June 21, 1996).

In addition, the permit has been amended to delete the requirements for bromodichloromethane and dibromochloromethane sampling based on PENTOXSD modeling and the submission of two mixing studies.

**PA 0055573.** Industrial waste, **Pierce and Stevens Corporation**, Route 113 at Cold Stream Road, Kimberton, PA 19442.

This application is for renewal of an NPDES permit to discharge cooling water (Outfall 001) and stormwater (Outfall 002) from Pierce and Stevens Corporation in East Pikeland Township, **Chester County**. This is an existing discharge to unnamed tributary to French Creek.

The receiving stream is classified for the following uses: warm water fishery, cold water fishery, trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.016 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		
Trichloroethylene	monitor/report		

The proposed effluent limits for Outfall 002 (stormwater) are as follows:

<i>Parameter</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	monitor/report
COD	monitor/report
Oil and Grease	monitor/report
pH	monitor/report
Total Suspended Solids	monitor/report
Total Kjeldahl Nitrogen	monitor/report
Total Phosphorus	monitor/report
Dissolved Iron	monitor/report

The EPA waiver is in effect.

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*Northcentral Region: Environmental Program Manager; Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-3666.*

**PA 0209589.** Sewerage, SIC: 4952, **Girard Township Supervisors**, P. O. Box 37, Le Contes Mill, PA 16850.

This proposed action is for issuance of an NPDES permit for a new discharge of treated sewage wastewater to Bald Hill Run in Girard Township, **Clearfield County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001, based on a design flow of 0.03 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
Total Cl <sub>2</sub> Residual	1.0		2.3
Fecal Coliforms (5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0114839.** Industrial waste, SIC: 4941, **West Decatur Authority**, P. O. Box 98, West Decatur, PA 16878.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial wastewater to Simeling Run in Boggs Township, **Clearfield County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is GPU Generation, Inc., located at Shawville.

The proposed effluent limits for Outfall 001, based on a design flow of .003 mgd, are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Mass (lb/day)</i>	
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>
TSS	30	60			
Total Iron	2	4			

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Mass (lb/day)</i>	
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>
Total Manganese	1	2			
Total Aluminum	4	8			
Total Chlorine	2		4.7		
pH			6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0115215. Lucas Trucking Corporation, R. D. 5, Box 151, Jersey Shore, PA 17740.**

This proposed action is for renewal of an NPDES permit for an existing discharge of treated stormwater from an oil/water separator to unnamed tributary of the Susquehanna River in Piatt Township, **Lycoming County**.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located on the Susquehanna River, 28 miles below the point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0002 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15	30
Total Petroleum Hydrocarbons	monitor	
pH	6.0—9.0 at all times	

*Other Conditions:*

The EPA waiver is in effect.

**PA 0032824. Sewerage, SIC: 4952, PA Dept. of Transportation, Bureau of Design, P. O. Box 3161, Harrisburg, PA 17105- 3161.**

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to unnamed tributary of Nescopeck Creek in Mifflin Township, **Columbia County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Municipal Authority located at Danville.

The proposed effluent limits for Outfall 001, based on a design flow of 0.013 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
TSS	30		60
Ammonia-N			
(5-1 to 10-31)	17		34
(11-1 to 4-30)	50		100
Total Cl <sub>2</sub> Residual	1.0		2.3
Fecal Coliforms			
(5-1 to 9-30)		200 col/100 ml as a geometric mean	
(10-1 to 4-30)		2,000 col/100 ml as a geometric mean	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0115207. Sewerage, SIC: 4952, Borough of Orangeville, P. O. Box 176, Orangeville, PA 17859.**

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Fishing Creek in Orangeville Borough, **Columbia County**.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Bloomsburg Water Company located approximately 10 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.07 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
Total Cl <sub>2</sub> Residual (1st month—36th month) (37th month—permit expiration date)	report 1.0		2.3
Fecal Coliforms		200 col/100 ml as a geometric mean	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0034126.** Sewerage, SIC: 4952, **Penns Valley Area School District**, R. R. 3, Box 116, Spring Mills, PA 16875.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Sinking Creek in Gregg Township, **Centre County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Dauphin Consolidated located at Dauphin.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0053 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
TSS	30		60
Total Cl <sub>2</sub> Residual	2.0		4.7
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)		200 col/100 ml as a geometric mean 2,000 col/100 ml as a geometric mean	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0113727.** SIC: 4952, **Larry Reed (Country Place MHP)**, R. D. 2, Box 71, DuBois, PA 15801.

This proposed action is for renewal of an NPDES permit for discharge of treated sewage to Muddy Run in Sandy Township, **Clearfield County**.

The receiving stream is classified for the following uses: cold water fishery and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the proposed downstream potable water supply (PWS) considered during the evaluation is the Hawthorne Area Water Authority.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0196 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
NH <sub>3</sub> -N (5-1 to 10-31) (11-1 to 4-30)	3 9	6 18
Total Chlorine Residual	1.0	2.3
Dissolved Oxygen	not less than 5.0 mg/l at all times	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average	
pH	6.0—9.0 su at all times	

The EPA waiver is in effect.

**PA 0110957.** Industrial waste, SIC: 3592, **TRW, Inc., Valve Division**, 601 East Market Street, Danville, PA 17821-2009.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial wastewater to Sechler Run in Danville Borough, **Montour County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Merck & Company Inc., located at Riverside Borough.

The proposed effluent limits for Outfall 001, based on a design flow of 0.035 mgd, are:

Parameter	Concentration (mg/l)			Mass (lb/day)	
	Average Monthly	Daily Maximum	Instantaneous Maximum	Average Monthly	Daily Maximum
Oil and Grease	15		30		
Temperature					
Dec 1—May 30		110			
Jun 1—15		95			
Jun 16—30		99			
Jul 1—31		86			
Aug 1—31		83			
Sep 1—15		77			
Sep 16—30		73			
Oct 1—15		68			
Oct 16—31		64			
Nov 1—15		103			
Nov 16—30		61			
pH	6.0—9.0 at all times				

The EPA waiver is in effect.

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*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**PA 0204293.** Industrial waste, SIC: 3087, **Polycom Huntsman, Inc.**, 90 West Chestnut Street, Washington, PA 15301.

This application is for renewal of an NPDES permit to discharge cooling water and stormwater from Plant No. 2 in Donora Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is PA American Water Company—Aldrich Station, located at 410 Cooke Lane, Pittsburgh, PA 15234, 11.3 miles below the discharge point.

*Outfall 001:* existing discharge, design flow of 0.52 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Flow from CCW* (mgd)	monitor and report				
Temperature (F°)					110
BOD <sub>5</sub>		13		6	
Suspended Solids		9.5		5	
Oil and Grease		15		7	
pH	not less than 6.0 nor greater than 9.0				

\*CCW = contact cooling water

*Outfall 002 and 003:* existing outfalls

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
These outfalls are permitted to discharge uncontaminated stormwater runoff from areas in and around the facility. At this time, there are no specific effluent limitations on these outfalls.					

The EPA waiver is in effect.

**PA 0096601.** Sewage, **Lower Ten Mile Joint Sewer Authority**, R. R. 1, Box 127, Jefferson, PA 15344.

This application is for renewal of an NPDES permit to discharge treated sewage from the Williamstown Wastewater Treatment Plant in East Bethlehem Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ten Mile Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Tri County Joint Water Authority.

*Outfall 001:* existing discharge, design flow of 0.12 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	11	16.5		22
(11-1 to 4-30)	25	37.5		50
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0217794.** Sewage, **Lou DeMary**, R. D. 2, Box 45K, Latrobe, PA 15650.

This application is for issuance of an NPDES permit to discharge treated sewage from DeMary Small Flow STP in Derry Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Drainage Swale to Union Run via PennDOT Culvert, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority's Freeport Plant on the Allegheny River.

*Outfall 001:* new discharge, design flow of 0.00088 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3			6
(11-1 to 4-30)	9			18
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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*Northwest Regional Office, Regional Manager, Water Management, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.*

**PA 0222488.** Sewage, **Edward Howard**, 120 Winfield Road, Sarver, PA 16055.

This application is for a new NPDES permit to discharge treated sewage from a proposed small flow sewage treatment plant to Sarver Run in Jefferson Township, **Butler County**. This is a new discharge.

The receiving water is classified for the following uses: high quality cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Clearview Water Supply Company on the Allegheny River is located at Natrona Heights, approximately 16.1 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 (after the chlorine contact tank), based on a design flow of 0.0004 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report	
CBOD <sub>5</sub>	10	20
Total Suspended Solids	20	40



Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
Fecal Coliform (10-1 to 4-30) (5-1 to 9-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average	
Total Residual Chlorine	XX	XX
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

## DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

### Applications under the Pennsylvania Clean Streams Law

#### (Part II Permits)

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department). Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed; and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest. Each writer will be notified in writing of the time and place if a hearing or conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

### Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691.1— 691.1001).

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.*

**Permit No. 0997408.** Sewerage. **Daniel and Joan Ball** (2057 Buck Run Road, Quakertown, PA 18951). Construction of single residence sewage treatment plant located in East Rockhill Township, **Bucks County**, to serve the Ball residence.

**Permit No. 2397405, Amendment No. 1.** Sewerage. **Robert and Linda Protesto** (1941 Ridley Creek Road, Media, PA 19063). Amendment to substitute a Jet Class 1 unit in place of the previously approved Norweco unit, located in Upper Providence Township, **Delaware County**, to serve the Protesto residence.

**Permit No. 1597414.** Sewerage. **Valley Township** (P. O. Box 467, 890 W. Lincoln Highway, Coatesville, PA

19320). Construction to replace existing 6-inch force main with 10-inch force main associated with Rock Tun pump station in Valley Township, **Chester County**.

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**A. 6396405, Amendment No. 1.** Sewerage. **Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317. Application for the modification and upgrade of the existing Donaldsons Crossroad Sewage Treatment Plant located in Peters Township, **Washington County**.

**A. 6398401.** Sewerage. **North Strabane Township Municipal Authority**, 1929B Rte. 519 South, Canonsburg, PA 15317. Application for the installation of gravity sewers located in the Township of North Strabane, **Washington County** to serve the Meadow Brook Development, Phases I, II, III and IV (Willolake Interceptor).

*Northwest Regional Office, Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**WQM Permit No. 2598405.** Sewage. **Millcreek Township Sewer Authority**, P. O. Box 8158, Erie, PA 16505-0158. This project is for the replacement of sewers (Beaver Run Relief) between Washington Avenue and Millcreek Hospital in Millcreek Township, **Erie County**.

**WQM Permit No. 1098402.** Sewage. **Edward Howard**, SRSTP, 120 Winfield Rd., Sarver, PA 16055. This project is for the construction of a single residence sewage treatment plant in Jefferson Township, **Butler County**.

**WQM Permit No. 2098401.** Sewage. **Cheryl S. Warner**, SRSTP, R. D. 1, Box 3214, Titusville, PA 16354. This project is for the construction of a single residence sewage treatment plant in Oil Creek Township, **Crawford County**.

### INDIVIDUAL PERMITS (PAS)

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealable to the Environmental Hearing Board.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the office noted above the application.

*Northeast Regional Office, Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

*Monroe County Conservation District, District Manager, 8050 Running Valley Road, Stroudsburg, PA 18360, (717) 629-3060.*

**NPDES Permit PAS10S061.** Stormwater. **Redeeming Love Christian Village**, 145 West Route 59, Nanuet, NY 10954 has applied to discharge stormwater from a construction activity located in Stroud Township, **Monroe County** to Flagler Run, Wigwam Run and Pocono Creek.

**NPDES Permit PAS10S046-1.** Stormwater. **New Ventures Park, S.I.D.E. Corp.**, P. O. Box 1050, Blakeslee, PA 18610 has applied to discharge stormwater from a construction activity located in Tobyhanna Township, **Monroe County** to Goose Run and Tobyhanna Creek.

**NPDES Permit PAS10S062.** Stormwater. **Midas Warehouses Distribution Facility, Triple Net Investments II, L. P.**, 171 Route 173, Suite 201, Asbury, NJ 08802 has applied to discharge stormwater from a construction activity located in Coolbaugh Township, **Monroe County** to Red Run.

*Northcentral Regional Office, Regional Water Management Program Manager, 208 W. 3rd St., Suite 101, Williamsport, PA 17701, (717) 327-3574.*

*Clinton County Conservation District, 36 Spring Run Rd., Rm. 104, Mill Hall, PA 17751, (717) 726-3798.*

**NPDES Permit PAS101912.** Stormwater. **CFJ Properties**, 50 W. 990 South, Brigham City, UT 84302 has applied to discharge stormwater from a construction activity located in Porter Township, **Clinton County** to Unt. Fishing Creek.

*Centre County Conservation District, 414 Holmes Ave., Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

**NPDES Permit PAS10F065-1.** Stormwater. **Mike Theisen, The Woodmont Corp.**, 6500 W. Freeway, Suite 900, Fort Worth, TX 76116 and **Robert McDaniel, Glenn O. Hawbaker, Inc.**, 325 W. Aaron Drive, State College, PA 16804 have applied to discharge stormwater from a construction activity located in College Township, **Centre County** to Spring Creek.

*Southwest Regional Office, Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**NPDES Permit PAS10A060-5.** Stormwater. **Port Authority of Allegheny County**, 2235 Beaver Avenue, Pittsburgh, PA 15233-1080 has applied to discharge stormwater from a construction activity located in City of Pittsburgh, Ingram, Crafton and Rosslyn Farms Boroughs, **Allegheny County** to Monongahela and Ohio Rivers.

## SAFE DRINKING WATER

### Applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17)

*Bureau of Water Supply Management, Division of Drinking Water Management, 400 Market Street, Harrisburg, PA 17105. Contact: Godfrey C. Maduka, (717) 787-9037.*

**A. 9996455. Alaskan Falls Bottling Company, Liqui Box Corporation**, 6950 Worthington-Galena Road, Worthington, OH 43085, Timothy Moats, General Manager. Applicant requests Department approval to sell bottled water in Pennsylvania under the brand names Alaskan Falls Premium Drinking Water and Alaskan Falls Purified Water.

*Northeast Regional Office, Sanitarian Regional Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**4097508.** Public water supply. **Old Turnpike Village Mobile Home Park**, Hugh Washkovich, R. R. 1, Box 1405, Drums, PA 18222-9764. This proposal involves the modification of an existing public water supply serving the residence of Old Turnpike Village Mobile Home Park. The modifications consist of disinfection and storage. It is located in Butler Township, **Luzerne County**.

**5497506.** Public water supply. **Schuylkill Haven Borough**, Jay Willard, Borough Administrator, 12 West Main Street, Schuylkill Haven, PA 17972. This proposal involves the upgrade and replacement of existing 4.0 mgd water filtration plant. The project also includes a spillway channel embankment stabilization evaluation and replacement of 3.5 miles of 24-inch diameter water main. It is located in **Schuylkill County**.

**3598501.** Public water supply. **Pennsylvania-American Water Company**, David Kaufman, Operations Manager, 20 E. Union Street, Wilkes-Barre, PA 18701. This proposal involves the construction of a booster pumping station to provide service to the Montage/Glenmaura Corporate Center. It is located in Moosic Borough, **Lackawanna County**.

**4098501.** Public water supply. **Pennsylvania-American Water Company, Huntsville Water Filtration Plant**. This proposal involves the construction of a 4.5 mgd water filtration plant with a raw water intake in the Huntsville Reservoir, a raw water pump station, upflow clarifier/polishing filter and a finished water transmission main to the existing storage tank. Two lined wastewater lagoons with supernatant discharge to Huntsville Reservoir is proposed. A septic tank will be used for toilet and sink waste. It is located in Dallas Township, **Luzerne County**. *Engineer: Gannett Fleming, Tim Glessner.*

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 1

**Acknowledgment of Notices of Intent to Remediate submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

Sections 302 and 303 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate identifies a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department must provide a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notice of Intent to Remediate:

*Northwest Regional Office, Craig Lobins, Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.*

**Shenango Valley Industrial Development Corporation**, Broadway Avenue, **Mercer County**, location of Caparo Steel Company, former Finishing Division B, has submitted a Notice of Intent to Remediate groundwater and soil. The site has been found to be contaminated with lead and heavy metals. The applicant proposes to remediate the site to meet the Statewide health standard. The Notice of Intent to Remediate was reported to be published in the *Sharon Herald* in February of 1998.

## SOLID AND HAZARDOUS WASTE

### HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES

#### Request for Bond Release and Permit Termination

*Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

On January 2, 1998, the Department received a request for a bond release and permit termination from **General**

**Electric Company** for its Bridgeville Glass Plant located in Collier Township, **Allegheny County** for its hazardous waste storage facility (**Permit No. PAD060682622**). The Department is reviewing this request in accordance with 25 Pa. Code § 267.25. Comments will be accepted on this request for up to 45 days from the date of this notice. Comments should be sent to the Department's office listed above.

## AIR POLLUTION

### OPERATING PERMITS

#### Operating Permit applications received under the Air Pollution Control Act (35 P.S. §§ 4001—4015).

*Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**48-313-080: Binney & Smith Incorporated** (2475 Brodhead Road, Bethlehem, PA 18017) for the operation of paint mixers and kettles with air pollution control by three baghouses in Bethlehem Township, **Northampton County**.

**54-304-002A: Leed Foundry Incorporated** (Wade Road, P. O. Box 98, St. Clair, PA 17970) for the operation of a gray iron cupola with air pollution control by a baghouse in St. Clair Borough, **Schuylkill County**.

*Southcentral Regional Office, Air Quality Program, One Ararat Blvd., Harrisburg, PA 17110, (717) 657-4587.*

**36-317-101A: Kellogg Co.** (Caller Box 3006, Lancaster, PA 17604) for the operation of their bulk handling system in East Hempfield, **Lancaster County**.

**36-317-014B: Kellogg Co.** (Caller Box 3006, Lancaster, PA 17604) for the operation of their Flavor Plant in East Hempfield Township, **Lancaster County**.

**36-317-130A: Kellogg Co.** (Caller Box 3006, Lancaster, PA 17604) for the operation of their four vacuum cleaning systems in East Hempfield Township, **Lancaster County**.

**67-310-004C: Medusa Minerals Co.** (P. O. Box 23, Thomasville, PA 17364) for the operation of the Plant 1 and 2 limestone crushing/grinding operations in Jackson Township, **York County**. These sources are subject to 40 CFR 60, Subpart OOO, New Performance Standards for Stationary Sources.

**67-310-021: Medusa Minerals Co.** (P. O. Box 23, Thomasville, PA 17364) for the operation of the Plant #2A limestone grinding operation in Jackson Township, **York County**.

**06-322-003: New Morgan Landfill Co. Inc.** (P. O. Box 128, Morgantown, PA 19543) for a municipal waste landfill controlled by a gas collection system and two flares in New Morgan Borough, **Berks County**. The source is subject to 40 CFR 60, Subpart WWW, Standards of Performance for New Stationary Sources.

**21-314-005: Carlisle SynTec, Inc.** (P. O. Box 7000, Carlisle, PA 17013) for the operation of a rubber mixing system controlled by a fabric filter in Carlisle, **Cumberland County**.

**22-312-024A: Eldorado Properties Corp.** (P. O. Box 2621, Harrisburg, PA 17105) for the operation of a bulk gasoline terminal located in the City of Harrisburg, **Dauphin County**.

*Northcentral Regional Office, Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.*

**41-302-049: Wheeland Lumber Company, Inc.** (R. R. 1, Box 220B, Liberty, PA 16930-9540) for the operation of a wood-fired boiler and associated air cleaning device (a multitube mechanical collector) in Jackson Township, **Lycoming County**.

**49-318-028A: Truck Accessories Group, Inc.** (10 North Industrial Park, Milton, PA 17847) for the operation of a truck cap surface coating operation in Milton Borough, **Northumberland County**.

**53-399-006A: Saint Mary's Carbon Company** (P. O. Box 1, Galeton, PA 16922) for the operation of four powdered metal parts sintering furnaces in Pike Township, **Potter County**.

*Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**PA-10-047A: Mine Safety Appliances Co.** (1420 Mars Evans City Road, Evans City, PA 16033) for the operation of a rubber processing-mixing area and weighing station in Forward Township, **Butler County**.

**PA-10-286A: Portersville Sales & Testing** (P. O. Box 131, Portersville, PA 16051) for the operation of two paint bays in Portersville Borough, **Butler County**.

**PA-25-052A: True Temper Corporation** (55 Pleasant Street, Union City, PA 16438) for the operation of a wood mill in Union City, **Erie County**.

**PA-25-360A: The Electric Materials Company** (Box 390, 45 Loomis Street, North East, PA 16428) for the operation of a vapor degreaser in North East, **Erie County**.

#### Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permits).

Copies of the Title V application, proposed permit and other relevant information are available for public inspection and additional information may be obtained by contacting the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the persons submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, Attn: Michael Safko, (717) 826-2531.*

**13-00003: Panther Creek Partners** (Route 54, R. D. 1, Box 28, Nesquehoning, PA 18240) located in Nesquehoning Borough, **Carbon County**. The facility's major source of emissions include two pyropower units which primarily emit nitrogen oxides (NOx), sulfur oxides (SO<sub>2</sub>), carbon monoxide (CO) and particulate matter.

#### PLAN APPROVALS

#### Plan Approval applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

*Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**23-323-002GP: Pyromet, Inc.** (5 Commerce Drive, Aston, PA 19014) for the construction of a burn off oven in Chester Township, **Delaware County**.

**09-320-052: Pyramid Graphics, Inc.** (1021 Washington Avenue, Croydon, PA 19021) for the installation of an afterburner for Harris M-10 Press in Bristol Township, **Bucks County**.

**PA-23-0014: Kimberly-Clark Tissue Company** (Front Street & Avenue of the States, Chester, PA 19013) for the installation of ash handling equipment in City of Chester, **Delaware County**.

**PA-09-0030: Pre Finish Metals, Inc.** (1295 New Ford Mill Road, Morrisville, PA 19067) for the installation of a replacement thermal oxidizer in Falls Township, **Bucks County**.

**PA-46-0032: SPS Technologies, Inc.** (Highland Avenue, Jenkintown, PA 19046) for the construction of an aerospace fastener coating room in Abington Township, **Montgomery County**.

**PA-46-0079: Naval Air Station Joint Reserve Base** (Code 89, Environmental Division, Willow Grove, PA 19090) for the construction of a paint spray booth, P5 in Horsham Township, **Montgomery County**.

**PA-46-0018: Brown Printing Company** (668 Gravel Pike, East Greenville, PA 18041) for the installation of a web offset/heat set printing press in Upper Hanover Township, **Montgomery County**.

**PA-23-0006B: Foamex LP** (1500 E. Second Street, Eddystone, PA 19022) for the construction of a felt press (E5) in Eddystone Borough, **Delaware County**.

**PA-46-0075: American Bank Note Company** (680 Blair Mill Road, Horsham, PA 19044) for the construction of a 3-Color Rotogravure printing press in Horsham Township, **Montgomery County**.

**PA-09-0063: New Hope Crushed Stone** (6970 Phillips Mill Road, New Hope, PA 18938) for the construction of two new diesel electric generators in Solebury Township, **Bucks County**.

**PA-46-0020: Superior Tube Company** (3900 Germantown Pike, Collegeville, PA 19426) for the installation of three fabric filters and one rotoclove in Lower Providence Township, **Montgomery County**.

**PA-23-0025: Fibre-Metal Products Company** (US Route 1, Brinton Lake Road, Concordville, PA 19331) for the construction of a paint booth in Concord Township, **Delaware County**.

**23-312-212GP: Bayway Refining Company** (4101 Post Road, Trainer, PA 19061) for the construction of a storage tank in Trainer Borough, **Delaware County**.

*Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**35-399-029A: Pennsylvania Extruded Tube Company** (982 Griffin Pond Road, Clarks Summit, PA 18411) for the modification of a pickling line in the Ivy Industrial Park, Scott Township, **Lackawanna County**.

**35-399-030A: Pennsylvania Extruded Tube Company** (982 Griffin Pond Road, Clarks Summit, PA 18411) for the modification of a cutoff saw in the Ivy Industrial Park, Scott Township, **Lackawanna County**.

**40-309-036B: Schott Glass Technologies Inc.** (400 York Ave., Duryea, PA 18642) for the modification of the PLG glass system with air pollution control by a scrubber and baghouse in Duryea Borough, **Luzerne County**.

**40-310-032B: Barletta Materials & Construction Co.** (P. O. Box 10, Route 924, Hazleton, PA 18201) for the modification of a stone crushing plant with air pollution control by a waterspray system in Hazle Township, **Luzerne County**.

**48-309-103: ESSROC Cement Corporation** (3251 Bath Pike, Nazareth, PA 18064) for the construction of a railcar loading operation with air pollution control by a baghouse in Nazareth Borough, **Northampton County**.

**48-310-032: ESSROC Cement Corporation** (3251 Bath Pike, Nazareth, PA 18064) for the installation of a quarry conveyor system with air pollution control by four baghouses in Nazareth Borough, **Northampton County**.

**54-320-001A: Gencorp Incorporated** (Hickory Drive, P. O. Box 429, Auburn, PA 17922) for the modification of a printer line using waterbased inks in West Brunswick Township, **Schuylkill County**.

*Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4587.*

**28-302-049B: Knouse Foods Cooperative Inc.** (421 East Grant Street, Chambersburg, PA 17201) for the installation of an emergency backup boiler at their Chambersburg Plant in Chambersburg Borough, **Franklin County**.

**21-05021A: Scranton Altoona Terminal Corporation** (P. O. Box 2621, Harrisburg, PA 17105) for the construction of three storage tanks for gasoline or other petroleum products, capacity 3.8916 million gallons each, at Star Mechanicsburg Terminal located in Silver Spring Township, **Cumberland County**.

**67-304-034B: RH Sheppard Co. Inc.** (101 Philadelphia Street, PA 17331) for the construction of a cold box core machine and gas vaporizer unit at their facility located in Hanover Borough, **York County**.

**05-310-016: New Enterprise Stone & Lime Co. Inc.** (P. O. Box 77, New Enterprise, PA 16664) for the installation of a portable limestone crushing/wash plant in Snake Spring Township, **Bedford County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

**06-5083A: Williams Metalfinishing, Inc.** (P. O. Box 2029, Sinking Spring, PA 19608) for the modification of an open-top vapor degreaser controlled by refrigerated cooling coils in Sinking Spring, **Berks County**. The source is subject to 40 CFR 63, Subpart T, National Emission Standards for Hazardous Air Pollutants for Source Categories.

**67-318-122: Pennsylvania Heirlooms** (100—110 Carlisle Avenue, York, PA 17402) for the installation of a wood furniture surface coating operation located in York Township, **York County**.

*Northcentral Regional Office, Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.*

**08-313-049B: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) for the construction of three bulk sodium hydroxide storage tanks, one bulk potassium hydroxide storage tank and associated air cleaning device (a venturi scrubber) in Department 331 in Towanda Borough, **Bradford County**.

*Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**62-302-010B: United Refining Company** (P. O. Box 780, Warren, PA 16365) for the modification of the #4 boiler to increase rated heat input to 210 mmbtu/hr and installation of low NOx burners in Warren, **Warren County**. This source is subject to Federal New Source Performance Standard 40 CFR Part 60, Subpart Db and Subpart J.

**62-312-019A: United Refining Company** (P. O. Box 780, Warren, PA 16365) for the modification of the vacuum heater to increase rated heat input to 53 mmbtu/hr and installation of ultra low NOx burners in Warren, **Warren County**. This source is subject to Federal New Source Performance Standard 40 CFR Part 60, Subpart Db and Subpart J.

**62-329-001A: United Refining Company** (P. O. Box 780, Warren, PA 16365) for the installation of non-selective catalytic reduction controls on two of the existing KVG compressor engines at the fluid catalytic unit in Warren, **Warren County**. This source is subject to Federal New Source Performance Standard 40 CFR Part 60, Subpart Db and Subpart J.

**62-312-036A: United Refining Company** (P. O. Box 780, Warren, PA 16365) for the installation of a fixed roof over the API waste water separator and carbon canisters to control VOC emissions in Warren, **Warren County**. This source is subject to Federal New Source Performance Standard 40 CFR Part 60, Subpart Db and Subpart J.

**PA 43-290A: Winner Steel Services, Inc.** (277 Sharpsville Avenue, Sharon, PA 16146) for the construction of a hot-dip, zinc galvanizing operation in Sharon, **Mercer County**.

**PA-37-299A: Alexander Mill Services** (P. O. Box 2372, New Castle, PA 16102) for the operation of a steel slag processing facility (100 tons/hour), in Taylor Township, **Lawrence County**.

**PA-25-267A: American Meter Company** (P. O. Box 1251, Erie, PA 16512-1251) for the installation of a thermal oxidizer (750,000 btu/hr), to control emissions from rubber vulcanizing ovens (48,446 lbs/rubber/yr.) in Erie, **Erie County**.

**PA 24-083B: Carbone of America, GMD** (215 Stackpole Street, St. Marys, PA 15857) for the installation of eight baghouses on an existing graphite product machining line (various grinders, saws, lathes and other machining equipment), at the 1032 Trout Run Road facility, St. Marys, **Elk County**.

**PA 16-136A: Bituminous Road Maintenance, Inc.** (521 South Street, Clarion, PA 16214) for the construction of a drum-type hot mix asphalt plant in **Clarion County**. The facility is subject to 40 CFR Part 60, Subpart I.

**PA 43-290A: Winner Steel Services, Inc.** (277 Sharpsville Avenue, Sharon, PA 16146) for the construction of a hot-dip, zinc galvanizing operation in **Mercer County**.

**REASONABLY AVAILABLE CONTROL  
TECHNOLOGY  
(RACT)**

**Operating Permit applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an operating permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology.**

*Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**OP-46-0109: Eastern Continuous Forms, Inc.** (1931 Morris Road, North Wales, PA 19454) issued January 13, 1998, for the approval of a Facility VOC/NOx RACT in Whitpain Township, **Montgomery County**.

**Proposed Revision to the State Implementation Plan for oxides of nitrogen (NOx) and volatile organic compounds (VOC); Public Hearing**

Approval of Reasonably Available Control Technology (RACT) Plans for: Johnson Matthey, Inc. (Tredyffrin Township, Chester County), Micro-Coax Components, Inc.

**Johnson Matthey, Inc. (Operating Permit OP-15-0027)**

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Four Coating Lines	32 VOC	3 lb of VOC per Gallon Coating	Implemented
Drying Ovens	23 NOx	Natural Gas/Electrical	Implemented
Generators	27 NOx	Presumptive	Implemented

**Micro-Coax Components, Inc. (Operating Permit OP-46-0092)**

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Miscellaneous	211	Manufacturer Specifications	Upon Issuance of Permit

This facility is not a major NOx emitter.

**Centennial Printing Corporation (Operating Permit OP-46-0068)**

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Five Offset Presses and Cleanup Operations	55	Low VOC Ink and Solvent	Implemented

This facility is not a major NOx emitter.

**H & N Packaging, Inc. (previously Paramount Packaging, Inc.) (Operating Permit OP-09-0038)**

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Ink Storage and Mixing Area	2.7	Manufacturer Specifications and Good Operating Procedures	Implemented
Wash Room 1 and 2—Parts Washing Areas	5.4	Manufacturer Specifications and Good Operating Procedures	Implemented
Press Cleanup	n/a	Good Operating Procedures	Implemented

The facility is not a major NOx emitter.

**Endura Products (Operating Permit OP-09-0028)**

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Cleanup, Strip-Coat, Splice	27.3	Work Practice Plan	Implemented

(Trappe Borough, Montgomery County), Centennial Printing Corporation (Upper Merion Township, Montgomery County), H&N Packaging, Inc. (prev. Paramount Packaging, Inc.) (Chalfont Borough, Bucks County), Endura Products (Quakertown Borough, Bucks County), Rohm and Haas Company (Bristol Township, Bucks County), Lukens Steel Company (Plymouth Township, Montgomery County).

The Department of Environmental Protection (Department) has made a preliminary determination to approve RACT plans as amendments to the State Implementation Plan (SIP) for the above facilities. The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in RACT approvals for these facilities to comply with current regulations.

These preliminary determinations, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facilities and will be submitted to the United States Environmental Protection Agency (EPA) as revisions to Pennsylvania's SIP.

The following is a summary of the preliminary RACT determinations for these facilities:

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Glue and Maintenance Processes			

The facility's NOx sources will meet the presumptive requirements of § 129.93.

**Rohm and Haas Company (Operating Permit OP-09-0015)**

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
CRU and CRU-X Processes	2.26 VOC	Scrubber	Implemented
PM-1 and PM-2 Production Lines	7.59 VOC	Packed Scrubber	Implemented
PM-1 Die Exhaust	2.22 VOC	Good Operating Procedures	Implemented
PM-2 Die Exhaust	4.01 VOC	Vortex Scrubber	Implemented
PM-1 Fugitive Emissions	4.29 VOC	Visual LDAR	Implemented
Building 39 Fugitive Emissions	4.27 VOC	LDAR	Implemented
No. 7 Kettle	27.29 VOC	Scrubber	Implemented
No. 10 Kettle	0.19 VOC	Incinerator	Implemented
	1.0 NOx		
Building 30 Fugitive Emissions	9.43 VOC	Visual LDAR	Implemented
Spray Dryer	34.45 VOC	Manufacturer Specifications	Implemented
	4.41 NOx		
Building 66 Fugitive Emissions	3.0 VOC	Visual LDAR	Implemented
Nine Generators	86.1 NOx	Manufacturer Specifications	Implemented
Four Boilers	634.65 NOx	Burner Revisions or Low NOx Burners	Implemented
Bristol Research Park	4.03 VOC	Good Operating Procedures	Implemented
	0.61 NOx		

**Lukens Steel Company (Operating Permit OP-46-0011)**

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Steel Furnaces and Boilers	176.68 NOx	Good Operating Procedures	Implemented
Drever Furnace	34.34 NOx	Good Operating Procedures	Implemented
Miscellaneous Cutting/Heating	13.14 NOx	Good Operating Procedures	Implemented
Four Slab Preheaters	8.21 NOx	Manufacturer Specifications	Implemented
Three APB Preheaters	3.61 NOx	Manufacturer Specifications	Implemented
Four Emergency Generators	4.98 NOx	Manufacturer Specifications	Implemented
Plate Marking	3.47 VOC	Good Operating Procedures	Implemented
Stencil Paint	2.73 VOC	Good Operating Procedures	Implemented
Freeze Protection	2.98 VOC	Good Operating Procedures	Implemented

One public hearing will be held for the purpose of receiving comments on the proposed SIP revisions. The hearing will be held at 2 p.m. on March 26, 1998, at the Department's Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA. The hearing will represent the opportunity for oral comment to the Department on the proposed SIP revisions and will not be a question and answer session. Persons wishing to present testimony at the hearing are encouraged to contact Clarke Rupert, DEP Community Relations Coordinator, at (610) 832-6020 to register prior to the hearing,

but may also register at the hearing. Those unable to attend the hearing but who wish to comment should send their written comments to Francine Carlini, Air Quality Program Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428 on or before March 26, 1998.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act should contact Clarke Rupert at (610) 832-6020 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to

discuss how the Department may accommodate their needs.

Copies of the pertinent documents are available for review at the Southeast Regional Office. Appointments for scheduling a review may be made by calling (610) 832-6003.

## MINING

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department

on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

#### *Coal Applications Received*

**56930101.** Permit Renewal. **Fieg Brothers** (3070 Stoystown Road, Stoystown, PA 15563), commencement, operation and restoration of bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 155.0 acres, receiving stream unnamed tributaries to/and Hays Run and unnamed tributaries to/and Millers Run. Application received February 5, 1998.

*Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.*

**65910107R. V. P. Smith Co., Inc.** (P. O. Box 242, Ligonier, PA 15658). Renewal application received for continued reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**. Receiving streams: unnamed tributaries to McGee Run. Renewal application received: February 4, 1998.

**03920102R. Mears Enterprises, Inc.** (P. O. Box 157, Clymer, PA 15728-0157). Renewal application received for continued reclamation of a bituminous surface mine located in Cowanshannock Township, **Armstrong County**. Receiving stream: Cowanshannock Creek. Renewal application received: February 4, 1998.

**63900101R. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Fallowfield Township, **Washington County**. Receiving streams: Maple Creek Watershed. Renewal application received: January 12, 1996.

**26910104R. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal application received for continued restoration of a bituminous surface mine located in Springfield Township, **Fayette County**. Receiving streams: Indian Creek Watershed. Renewal application received: January 18, 1996.

**02803001R. Aloe Coal Company** (P. O. Box 9327, Neville Island, PA 15225). Renewal application received for continued reclamation of a bituminous surface mine located in Findlay and Robinson Townships, **Allegheny and Washington Counties**. Receiving streams: Potatoe Garden Run and Little Raccoon Run watersheds. Renewal application received: January 25, 1996.

**63850114R. Midway Coal Company** (P. O. Box 9327, Neville Island, PA 15225). Renewal application received for continued reclamation of a bituminous surface mine located in Robinson Township, **Washington County**. Receiving streams: Robinson Run watershed. Renewal application received: January 25, 1996.

**63900104R. Robinson Coal Company** (P. O. Box 9347, Neville Island, PA 15225). Renewal application received for continued reclamation of a bituminous surface mine located in Robinson and North Fayette Townships, **Washington and Allegheny Counties**. Receiving streams: unnamed tributaries to Little Raccoon Run and North Branch Robinson Run watershed. Renewal application received: January 29, 1996.



**26910106R. Bridgeview Coal Company** (P. O. Box 257, 3735 National Pike, Farmington, PA 15437). Renewal application received for continued reclamation of a bituminous surface mine located in Georges Township, **Fayette County**. Receiving streams: two unnamed tributaries of Muddy Run. Renewal application: received February 5, 1996.

*Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.*

**17970119. Penn Grampian Coal Company** (P. O. Box 249, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface mine permit in Beccaria Township, **Clearfield County** affecting 52.7 acres. This application includes an encroachment request to allow mining activities to within 50 feet of unnamed tributary no. 1 to Muddy Run and application for the temporary relocation of unnamed tributary no. 2 to Muddy Run, to facilitate mining within the area. Upon completion of mining, the stream will be reconstructed in its original location. Application received December 23, 1997.

**17910112. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine permit in Bell Township, **Clearfield County** affecting 119.1 acres, receiving streams: two unnamed tributaries to the West Branch of the Susquehanna River; application received January 14, 1998.

**17980101. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine-auger permit in Bell Township, **Clearfield County** affecting 214.2 acres, receiving streams: unnamed tributaries of Curry Run to Curry Run to West Branch of the Susquehanna River; application received: January 21, 1998.

**17980102. K & J Coal Co., Inc.** (P. O. Box 189, Westover, PA 16692), commencement, operation and restoration of a bituminous surface mine-auger permit in Chest Township, **Clearfield County** affecting 108 acres, receiving streams: unnamed tributary to Chest Creek and Chest Creek; application received: January 21, 1998.

**17980103. Falls Creek Energy Co., Inc.** (R. D. 6, Box 231, Kittanning, PA 16201), commencement, operation and restoration of a bituminous surface mine-auger permit in Brady Township, **Clearfield County** affecting 64.2 acres, receiving streams: unnamed tributaries of East Branch Mahoning Creek to East Branch Mahoning Creek to Mahoning Creek to Allegheny River; application received February 4, 1998.

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

*Industrial Minerals NPDES Permit Renewal Application Received*

**07820301. East Loop Sand Company** (Blair Street, Hollidaysburg, PA 16648), renewal of NPDES Permit No PA0606421, Frankstown Township, **Blair County**, receiving streams Robinson Run. NPDES renewal application received February 3, 1998.

*Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.*

*Large Industrial Mineral Permit Applications Received*

**4673SM5. Fink & Stackhouse, Inc.** (515 Princeton Avenue Ext., Williamsport, PA 17701), permit revision to an existing large industrial mineral surface mine permit to apply biosolids (stabilized sewage sludge) to enhance

vegetation, Beech Creek Township, Clinton County affecting 52.7 acres; application received December 29, 1997.

## APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

### ENCROACHMENTS

The following permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department).

In addition to permit applications, the Bureau of Dams, Waterways and Wetlands (BDWW) and the Regional Office Soils and Waterways Sections have assumed primary responsibility for processing requests for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), for projects requiring both a Dam Safety and Encroachments Permit, and a United States Army Corps of Engineers (ACOE) permit. Section 401(a) of the Federal Water Pollution Control Act requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1301—1303, 1306 and 1307, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the BDWW permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the Bureau or Field Office indicated as the responsible office.

**Applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.**

*Southeast Regional Office, Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E09-285B. Encroachment. Warminster Township,** Township Building, Henry and Gibson Avenue, Warminster, PA 18974. To amend Permit No. E09-285A to include the following activities: to replace an existing collapsed 180-foot long, 36-inch diameter CMP stream enclosure with a 160-foot long, 20-foot by 3-foot concrete box culvert. The existing stream enclosure is located along an unnamed tributary to the Little Neshaminy Creek (WWF, MF) under the 12th Fairway of the Five Ponds Golf Course. The project also includes the installation of erosion protection devices at the downstream and upstream face of the proposed stream enclosure. This site is situated at a point approximately 2,800 feet upstream of the confluence of this tributary with the Little Neshaminy Creek and 3,500 feet northwest of the intersection of Street Road (SR 132) and Norristown Road (Hatboro, PA Quadrangle N: 17.5 inches; W: 15.6 inches) in Warminster Township, **Bucks County**.

**E23-369. Encroachment. Carl A. Abbonizio,** P. O. Box 315, Sewell, NJ 08080. To place fill material in 0.05 acre of isolated wetland (PEM) and to install and maintain a 1,200 foot long, 36-inch C.P.P. storm sewer in and along an existing drainage channel which is an unnamed tributary to the Delaware River. This project is associated with the proposed addition to the existing parking facility

used in conjunction with the Philadelphia International Airport. The project site is situated along the southern side of Tinicum Island Road, approximately 200 feet south of the intersection with Stevens Drive (Bridgeport, NJ-PA Quadrangle N: 21.0 inches; W: 2.9 inches) in Tinicum Township, **Delaware County**.

**E15-566.** Encroachment. **William Freas**, 211 Carter Drive, West Chester, PA 19382. To perform the following activities across Goose Creek (WWF) associated with the William E. Freas Golf Development:

1. To construct and maintain a footbridge with a span of approximately 50 feet and average underclearance of 7.0 feet.

2. To construct and maintain a bridge with a span of approximately 30 feet and average underclearance of 17.3 feet.

3. To construct and maintain a footbridge with a span of approximately 50 feet and average underclearance of 5.5 feet.

The site is located southeast of the intersection of the Southeast PA Transit Authority (SEPTA) Railroad and the West Chester By-Pass (SR 0202) (West Chester USGS Quadrangle N: 13.25 inches; W: 11.25 inches) in West Goshen Township, **Chester County**.

**E46-798.** Encroachment. **PA DOT**, 200 Radnor-Chester Road, St. Davids, PA 19087-5178. To remove an existing deteriorated single-span reinforced concrete slab bridge and to install and maintain a twin-cell precast concrete box culvert. Each cell will have a 12-foot span and an underclearance of 9 feet. This site is located on Gravel Pike (SR 0029, section M02) near its intersection with Schoolhouse Road along Schoolhouse Run (Collegeville, PA Quadrangle N: 15.9 inches; W: 10.9 inches) in Perkiomen Township, **Montgomery County**.

*Northeast Regional Office, Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.*

**E39-343.** Encroachment. **Pennsylvania Power and Light Company**, Two North Ninth Street, N-4 Allentown, PA 18101-1179. To construct and maintain three separate low flow road crossings consisting of multiple 12-inch culverts across Coplay Creek to be used for access along electrical power lines. This project is located along the Seigfried-Wescosville Part IV line approximately 150 feet, 360 feet and 520 feet northwest of Wood Street, T-691, (Cementon, PA Quadrangle N: 7.4 inches; W: 12.6 inches) in North Whitehall Township, **Lehigh County** (Philadelphia District, Army Corps of Engineers).

**E39-344.** Encroachment. **Anna H. Tercha and Charles J. Haaf**, 1919 Tercha Road, Fogelsville, PA 18051. To place fill in 0.15 acre of PEM Wetlands for unknown future development of the property. This project is located on the south side of S. R. 0022 west of Nestle Way (Topton, PA Quadrangle N: 13.4 inches; W: 3.9 inches) in Upper Macungie Township, **Lehigh County**. Philadelphia District Army Corps of Engineers.

**E39-345.** Encroachment. **East Penn Real Estate**, 4445 Harriet Lane, Bethlehem, PA 18017. To construct and maintain a 24-inch stormwater outfall structure and associated discharge apron in the floodway of the Little Lehigh Creek (HQ-CWF). This project is located on the north side of Sauerkraut Lane (T-475), approximately 1,000 feet west of Willow Lane (S. R. 3003) (Allentown West, PA Quadrangle N: 6.4 inches; W: 9.1 inches) in Lower Macungie Township, **Lehigh County**. Philadelphia District, Army Corps of Engineers.

**E40-485.** Encroachment. **Hickory Hills Property Owners Association**, 155 Hickory Hills, White Haven, PA 18661. To remove the existing structure and to construct and maintain a road crossing of Pond Creek (HQ-CWF), consisting of a 24-foot by 7-foot concrete box culvert (or twin 12-foot  $\times$  7-foot concrete box culverts). The project is located on Hickory Hills Drive, approximately 0.5 mile south of the intersection of S. R. 0940 and T404 (White Haven, PA Quadrangle N: 6.5 inches; W: 8.8 inches) in Foster Township, **Luzerne County** (Philadelphia District, U. S. Army Corps of Engineers).

**E45-348.** Encroachment. **George R. and Jean Habeeb**, R. R. 2, Box 480, Henryville, PA 18332. To place fill in approximately 0.19 acre of PFO/SS wetlands for the purpose of constructing a road crossing having a length of approximately 160 feet to provide access to the Wilson Woods Residential Subdivision. The project is located approximately 0.15 mile northwest of the intersection of Township Roads T535 and T568 (Mount Pocono, PA Quadrangle N: 11.7 inches; W: 7.3 inches) in Pocono Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

**E48-268.** Encroachment. **Richard and Lynn Caciola**, 834 South Oak Road, Bath, PA 18014. To construct and maintain a private bridge having a single span of approximately 23 feet and an underclearance of approximately 5.3 feet across Hokendauqua Creek (CWF) to provide access to a residential building site. The project is located on the north side of Township Road T604, approximately 0.4 mile upstream from S. R. 4014 (Kunkletown, PA Quadrangle N: 8.0 inches; W: 7.8 inches) in Moore Township, **Northampton County** (Philadelphia District, U. S. Army Corps of Engineers).

**E54-245.** Encroachment. **The Borough of Tremont**, 224 West Laurel Street, Tremont, PA 17983. To repair and maintain the Union Street Bridge having a span of 21.5 feet and an underclearance of 12.3 feet across Middle Creek. Repairs consist of welding additional beam supports and abutment work. This project is located along Union Street, 400 feet north of S. R. 0209 (Tremont, PA Quadrangle N: 0.6 inch; W: 1.5 inches) in the Borough of Tremont, **Schuylkill County**. Philadelphia District Army Corps of Engineers.

*Southcentral Regional Office, Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, (717) 657-4590.*

**E01-188.** Encroachment. **PA Dept. of Transportation**, John Rautzahn, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove an existing structure and to construct and maintain a 22-foot single span concrete bridge with an underclearance of 6 feet and to fill a de minimis amount of wetlands associated with the bridge construction located on SR 3005, Segment 130, Offset 1742 (Pumping Station Road) over Plum Run (Fairfield, PA Quadrangle N: 5.3 inches; W: 7.3 inches) in Freedom Township, **Adams County**.

**E01-189.** Encroachment. **McSherrystown Borough**, William Smith, 338 Main Street, McSherrystown, PA 17344. To place fill in 0.73 acre of wetlands for the purpose of constructing a 1,600 foot jogging track and parking area located northwest of the intersection of North Street and Westview Drive (McSherrystown, PA Quadrangle N: 17.5 inches; W: 10.0 inches) in McSherrystown Borough, **Adams County**.

**E01-190.** Encroachment. **Tim-Bar Corporation**, Bob Mahone, 148 North Penn Street, Hanover, PA 17331. To place fill in a de minimis area of wetlands less than or

equal to 0.05 acre for the purpose of constructing a stormwater basin in association with building expansion located northwest of the existing Tim-Bar Oxford Container building between Commerce Street and South College Street (McSherrystown, PA Quadrangle N: 20.3 inches; W: 6.5 inches) in New Oxford Borough, **Adams County**.

**E05-259.** Encroachment. **James Blattenberger**, R. D. 4, Box 438, Bedford, PA 15522. To construct and maintain a twin 72-inch diameter culvert at the channel of an unnamed tributary to Raystown Branch of the Juniata River to provide access to a new home located on the east side of Egolf Road about 1,300 feet from its intersection with PA 326 (Everett West, PA Quadrangle N: 0.5 inch; W: 12.2 inches) in Snake Spring Valley Township, **Bedford County**.

**E31-141.** Encroachment. **Huntingdon Community Center**, Theodore Aurand, 310 Fifth Street, P. O. Box 424, Huntingdon, PA 16652. To construct and maintain a 42-inch by 29-inch, 140-foot long corrugated metal arch pipe culvert in an unnamed tributary to Standing Stone Creek and to place fill in the floodplain of Standing Stone Creek and 0.469 acre of associated wetlands for the purpose of developing 1.22 acres of additional parking at Detwiller Park located along SR 026 at the northeast boundary of Huntingdon Borough (Mount Union PA Quadrangle N: 21 inches; W: 16.75 inches) in Oneida Township, **Huntingdon County**.

**E44-092.** Encroachment. **Allen Peachey**, 49 Caxuga Road, Belleville, PA 17004. To maintain a 60-inch diameter, 24-foot long reinforced concrete pipe culvert constructed in an unnamed tributary to Little Kishacoquillas Creek under General Permit No. 8 (Temporary Road Crossings) Permit No. GP08-44-97-102 and to construct and maintain an 18-inch diameter, 18-foot long steel culvert in the floodway of the tributary 30 feet north of the concrete culvert for the purpose of maintaining a private access road located about 200 feet north of Hickory Lane (T-464) about 0.9 mile south of its intersection with Brick Mountain Road (T-451) (Allensville, PA Quadrangle N: 17.2 inches; W: 1.5 inches) in Menno Township, **Mifflin County**.

**E67-616.** Encroachment. **John Argento**, 400 Hunting Park Lane, York, PA 17402. To fill 0.47 acre of wetlands for the purpose of constructing a stormwater pond associated with Chapelwood Estates Subdivision at a point located north of Kreutz Creek southeast of the intersection of Dyan Road and Dietz Road (Red Lion, PA Quadrangle N: 15.0 inches; W: 16.5 inches) in Windsor Township, **York County**. Permittee agrees to construct 0.47 acre of replacement wetlands.

*Southwest Regional Office, Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E63-446.** Encroachment. **City of Washington**, 55 West Maiden Street, Washington, PA 15301. To replace the existing deteriorated stream enclosure of a tributary to Catfish Creek (WWF) with a new one consisting of the following: 333 feet of 78-inch diameter pipe, 820 feet of 128-inch × 83-inch arch pipe, 300 feet of 117-inch × 79-inch arch pipe, 148 feet of dual 10-foot span and 4-foot underclearance box culvert and 394 feet of dual 12-foot span and 4-foot underclearance box culvert. This project also consists of the 115 feet of gravel bar removal and stream bank stabilization in Catfish Run (WWF) at the outlet of the proposed enclosure. The project starts near the intersection of Hall Avenue and North Franklin Street and ends at Catfish Creek approximately 600 feet down-

stream of the West Chestnut Street overcrossing (Project starts at Washington East, PA Quadrangle N: 9.1 inches; W: 17.4 inches, project ends at Washington West, PA Quadrangle N: 8.6 inches; W: 0.7 inch) in the City of Washington, **Washington County**.

**E02-1215.** Encroachment. **Municipal Authority of Westmoreland County**, SW Corner US Route 30, West and South Greengate Road, Greensburg, PA 15601. To construct and maintain an intake structure in the channel of and along the right bank of the Youghiogheny River (WWF). The project is located at the McKeesport Water Treatment Plant, just upstream from the 15th Street Bridge (McKeesport, PA Quadrangle N: 16.2 inches; W: 15.35 inches) in the City of McKeesport, **Allegheny County**.

**E30-185.** Encroachment. **Greene County Commissioners**, 93 East High Street, Waynesburg, PA 15370. To rehabilitate and maintain the Carmichaels Covered Bridge (Greene County Bridge No. 11) having a single, normal span of 56.4 feet and a minimum underclearance of 13.5 feet over Muddy Creek (WWF). The project is located along Old Town Street (Carmichaels, PA Quadrangle N: 4.3 inches; W: 14.4 inches) in Carmichaels Borough, **Greene County**.

*Northwest Regional Office, Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**E25-566.** Encroachment. **PA Department of Transportation**, 1140 Liberty Street, Franklin, PA 16323-1289. To construct and maintain a 60-inch diameter stormwater outfall structure with gabion outlet protection in a tributary to Lake Erie (Garrison Run, WWF, MF) immediately upstream of the existing Bayfront Parkway (S. R. 4034) and to fill 0.15 acre of palustrine forested wetland located along the south side of the existing Bayfront Parkway approximately 200 feet east of Garrison Run. Work is associated with construction of Section No. 1 of the East Side Access (S. R. 4034) project beginning at the existing Bayfront Parkway and Port Access Road intersection extending southeast to East Sixth Street (Erie North, PA Quadrangle N: 2.8 inches; W: 9.8 inches) located in the City of Erie, **Erie County**.

The applicant proposes creation of 0.3 acre of palustrine emergent wetland within the coastal zone of Lake Erie in conjunction with Erie Western Pennsylvania Port Authority's East Bay Lands development project, DEP Water Obstruction and Encroachment Permit Application No. E25-563.

## ENVIRONMENTAL ASSESSMENT

**Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.**

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**EA23-009C0.** Environmental Assessment. **Gap International, Inc.** (200 Ballymore Road, Springfield, PA 19064). To modify an existing nonjurisdictional dam across a tributary to Hotland Run (WWF) impacting a de minimis area of wetlands (PEM) equal to 0.04 acre for the purpose of aesthetics and providing access to a proposed office building. The existing dam is located adjacent to Old Marple Road (S. R. 1008) approximately 1,400 feet west of the intersection of Old Marple Road and Sproul

Road (S. R. 320) (Lansdowne, PA Quadrangle N: 11.95 inches; W: 14.60 inches) in Marple Township, **Delaware County**.

**EA67-012C0.** Environmental Assessment. **Michael Manning and Associates** (1706 Kathryn Street, New Cumberland, PA 17070). To construct and maintain a nonjurisdictional dam across a tributary to Fishing Creek (TSF) for the purpose of stormwater management at the proposed Big Springs subdivision located approximately 1,000 feet south of the intersection of Big Spring Road and Beinhower Road (Steelton, PA Quadrangle N: 9.8 inches; W: 9.1 inches) in Fairview Township, **York County**.

*Northwest Regional Office, Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**EA33-002NW.** Environmental Assessment. **PA Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, P. O. Box 149, Ebensburg, PA 15931. To eliminate 7,800 linear feet of dangerous strip mine highwall by placing fill in 0.7 acre of five separate wetland areas in two separate strip-mined areas located directly north and west of the village of Anita which is located at the intersection of SR 0236 and SR 0310. This project will also include the creation of a 1-acre replacement wetland located within this same project (Reynoldsville, PA Quadrangle N: 0.7 inch; W: 13.0 inches) located in McCalmont Township, **Jefferson County**.

## ACTIONS

### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

#### Industrial waste and sewerage actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.*

**NPDES Permit No. PA0011851.** Industrial waste. **Superior Tube Company**, 3900 Germantown Pike, Evansburg, PA 19426-0159 is authorized to discharge from a facility located in Lower Providence Township, **Montgomery County** into unnamed tributary to Perkiomen Creek and French Run Creek.

**NPDES Permit No. PA0024058, Amendment No. 1.** Sewerage. **Borough of Kennett Square**, North Broad & East Linden Streets, Kennett Square, PA 19348 is authorized to discharge from a facility located in Kennett Township, **Chester County** into West Branch Red Clay Creek.

**NPDES Permit No. PA0055166.** Sewerage. **Andrew C. Azzara**, 1650 Mill Road West, Furlong, PA 18925 is authorized to discharge from a facility located in Buckingham Township, **Bucks County** receiving waters named Dry Swale to Neshaminy Creek.

**NPDES Permit No. PA0052728.** Sewerage. **Dillion Companies Inc.**, 257 Centerville Road, Lancaster, PA 17603 is authorized to discharge from a facility located in the City of Coatesville, **Chester County** into unnamed tributary to West Branch of Brandywine Creek.

**NPDES Permit No. PA0057266.** Sewerage. **Nicholas Kemp**, 1970 Kimberwick Road, Media, PA 19063 is authorized to discharge from a facility located in Upper Providence Township, **Delaware County**, into unnamed tributary to Ridley Creek.

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**NPDES Permit No. PA-0008907.** Industrial waste. **HPG International, Inc.**, Oakhill Road, Crestwood Industrial Park, Mountaintop, PA 18707 is authorized to discharge from a facility located in Wright Township, **Luzerne County** to Watering Run Creek.

**NPDES Permit No. PA-0034517.** Industrial waste. **Borough of East Stroudsburg**, 24 Analomink Street, P. O. Box 303, East Stroudsburg, PA 18301 is authorized to discharge from a facility (East Stroudsburg Water Filtration Plant, Fawn Road, East Stroudsburg, PA) located in Smithfield Township, **Monroe County** to Sambo Creek.

**NPDES Permit No. PA-0062618.** Industrial waste. **City of Bethlehem**, 355 Granger Road, Northampton, PA 18067 is authorized to discharge from a facility (Bethlehem Water Treatment Plant) located in Lehigh Township, **Northampton County** to an Unnamed Tributary to Indian Creek.

**NPDES Permit No. PA-0070513.** Sewerage. **Edward A. Redding**, Sweet Arrow Road, R. R. 2, Box 322, Pine Grove, PA 17963-9528 is authorized to discharge from a facility (single residence) located in Washington Township, **Schuylkill County** to Upper Little Swatara Creek.

*Southcentral Regional Office: Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17011, (717) 657-4590.*

**NPDES Permit No. PA0037737.** Sewerage. **Elizabethville Area Authority**, P. O. Box 271, Elizabethville, PA 17023 is authorized to discharge from a facility located

in Washington Township, **Dauphin County** to the receiving waters named Wiconisco Creek.

**NPDES Permit No. PA0111422.** Sewerage. **Thompstontown Municipal Authority**, P. O. Box 154, Thompستown, PA 17094-0154 is authorized to discharge from a facility located in Delaware Township, **Juniata County** to the receiving waters named Delaware Creek.

**NPDES Permit No. PA0022179, Minor Amendment.** Sewerage. **Borough of Mercersburg**, 113 South Main Street, Mercersburg, PA 17236 is authorized to discharge from a facility located in Mercersburg Borough, **Franklin County** to the receiving waters named Johnston Run.

**NPDES Permit No. PA0009016, Minor Amendment.** Sewerage. **Osram Sylvania Products, Inc.**, 1128 Roosevelt Avenue, York, PA 17404 is authorized to discharge from a facility located in West Manchester Township, **York County** to the receiving water named Fishing Creek.

**NPDES Permit No. PA0044598 and PAS803501, Amendment No. 1.** Sewerage. **Susquehanna Area Regional Airport Authority, c/o York County Industrial Development Corporation**, 160 Roosevelt Avenue, Suite 300, York, PA 17404 is authorized to discharge from a facility located in Lower Swatara Township, **Dauphin County** to the receiving waters named Post Run.

**NPDES Permit No. PA0051683, Amendment No. 1.** Industrial waste. **Titanium Hearth Technologies**, 900 Hemlock Road, Morgantown Business Park, Morgantown, PA 19543 is authorized to discharge from a facility located in Caernarvon Township, **Berks County** to the receiving waters of an unnamed tributary of Conestoga Creek.

**Permit No. 3697410.** Sewerage. **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603. Construction/operation of sewers and appurtenances and modifications to the construction/operation of pump stations in Manor Township, **Lancaster County**.

**Permit No. 3697411.** Sewerage. **Suburban Lancaster Sewer Authority**, 504 Edgemont Drive, Willow Street, PA 17584. The construction/operation of a pump station in West Lampeter Township, **Lancaster County**.

*Northcentral Regional Office, 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.*

**NPDES Permit No. PA0111368.** Sewerage. **Jersey Shore Area School District**, R. R. 3, Box 245, Williamsport, PA 17701. Applicant renewed their NPDES permit to discharge treated sewage from their treatment plant serving the Salladasburg Elementary School in Mifflin Township, **Lycoming County**.

**NPDES Permit No. PA0113824.** Sewerage. **Frank T. Perano, Tiadaghton View Mobil Home Park**, P. O. Box 278, King of Prussia, PA 19406. Applicant renewed their NPDES permit to discharge treated sewage from their treatment plant serving Tiadaghton View Mobile Home Park in Upper Fairfield Township, **Lycoming County**.

**NPDES Permit No. PA0115282.** Sewerage. **Michael Segalla, Pine Valley Court**, 21 Ponderosa Drive, Penfield, PA 15849. Applicant renewed their NPDES permit to discharge treated domestic waste to Bennet Branch in Huston Township, **Clearfield County**.

**NPDES Permit No. PA0101150.** Sewerage. **Seven Seas Financial Association**, Ramada Inn, Exit 17-I-80, Rt. 255, Dubois, PA 15801. Renewal of NPDES permit to

discharge treated domestic waste to Gravel Lick Run in Sandy Township, **Clearfield County**.

**NPDES Permit No. PA0209520.** Sewerage. **LeRaysville Borough**, P. O. Box 42, LeRaysville, PA 18829-0042. Approval to discharge treated sewage to Unnamed tributary of Rockwell Creek in LeRaysville Borough, **Bradford County**.

**NPDES Permit No. PA0110124-A1, Amendment.** Sewerage. **David A. Liberti**, 38 Harvest Moon Park, Linden, PA 17744. This amendment revised the total residual chlorine effluent limitations based on operations section review comments, the flow monitoring is changed to continuous meter from pump or weir rate. Facility located at Woodward Township, **Lycoming County**.

**WQM Permit No. 1795408-A28.** Sewerage. **Bradford Township/Read**, P. O. Box 79, Woodland, PA 16881. The Township was granted an amendment application to install a treatment system to serve the new home to be built. The design was previously approved on October 19, 1995 as a pilot program. Location is Bradford Township, **Clearfield County**.

*Southwest Regional Office, Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**NPDES Permit No. PA0204943.** Industrial waste, **Glen Campbell Borough**, P. O. Box 43, Glen Campbell, PA 15742-0043 is authorized to discharge from a facility located at Glen Campbell Borough Water Treatment Plant, Glen Campbell Borough, **Indiana County** to Unnamed Tributary of Cush Creek.

**NPDES Permit No. PA0092860, Amendment No. 1.** Sewage, **Terry G. and Regina A. Lambie**, R. R. 2, Dunbar, PA 15431 is authorized to discharge from a facility located at Terrace Acre Mobile Home Park STP, Upper Tyrone Township, **Fayette County**.

**NPDES Permit No. PA0217662, Amendment No. 1.** Sewage, **Angelo and Nancy B. Poli**, 93 Belmeade Terrace, Uniontown, PA 15401 is authorized to discharge from a facility located at Bennington Place Subdivision Sewage Treatment Plant, North Union Township, **Fayette County**.

**Permit No. 0297411.** Sewerage, **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237. Construction of a pump station located in the Township of McCandless, **Allegheny County** to serve the Busch Pump Station.

**Permit No. 3274407, Amendment No. 2.** Sewerage, **Pennsylvania Electric Company, New York State Gas & Electric Corporation**, 1001 Broad Street, Johnstown, PA 15907. Construction of Homer City Power Station located in the Township of Center, **Indiana County** to serve the Unit No. 3 Sewage Treatment Plant.

**Permit No. 467S032, Amendment No. 3.** Sewerage, **Mon Valley Sewage Authority**, P. O. Box 792, Donora, PA 15033. Relocation of the Monessen force main river crossing located in the Borough of Monessen, **Washington and Westmoreland Counties**.

**Permit No. 6590403, Amendment No. 1.** Sewerage, **Municipal Authority of the City of Lower Burrell**, Schreiber and Bethel Streets, Lower Burrell, PA 15068. Installation of a sodium hypochlorite feed system located in the City of Lower Burrell, **Westmoreland County** to serve the Chartiers Pump Station.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.*

**NPDES Permit No. PA0102741.** Sewage. **Diamond J's Truck and Auto Stop, Inc.**, R. D. 1, Box 401, Exit 15, I-80, Brookville, PA 15825 is authorized to discharge from a facility located in Pine Creek Township, **Jefferson County** to Fivemile Run.

**NPDES Permit No. PA0033146.** Sewage. **Countryside Convalescent Home**, 8221 Lamor Road, Mercer, PA 16137 is authorized to discharge from a facility located in East Lackawannock Township, **Mercer County** to an unnamed tributary to Neshannock Creek.

**NPDES Permit No. PA0103781.** Industrial waste. **Sharon Tube Company**, 134 Mill Street, Sharon, PA 16146 is authorized to discharge from a facility located in Sharon, **Mercer County** to the Shenango River.

**NPDES Permit No. PA0222399.** Industrial waste. **Decker Transportation, Inc.**, R. D. 3230, Route 957, Russell, PA 16345 is authorized to discharge from a facility located in Farmington Township, **Warren County** to an unnamed tributary to Kiantone Creek.

**NPDES Permit No. PA0103551.** Sewage. **Drake Well Museum**, R. D. 3, Box 7, Titusville, PA 16354-8902 is authorized to discharge from a facility located in Cherrytree Township, **Venango County** to Oil Creek.

**NPDES Permit No. PA0030341.** Sewage. **Wilmington Area School District, East Lawrence Elementary School**, 300 Wood Street, New Wilmington, PA 16142-1016 is authorized to discharge from a facility located in Plain Grove Township, **Lawrence County** to an unnamed tributary to Taylor Run.

**NPDES Permit No. PA0210081.** Sewage, **Sheri A. Bemis**, 16675 Stuart Rd., Corry, PA 16407 is authorized

to discharge from a facility located in Wayne Township, **Erie County** to tributary to Breakneck Creek.

**WQM Permit No. 1098401.** Sewerage, **Tim J. Hall**, SRSTP, 105 Sturbridge Lane, Evans City, PA 16033. Construction of Tim J. Hall SRSTP located in Adams Township, **Butler County**.

## INDIVIDUAL PERMITS

### (PAS)

The following approvals for coverage under NPDES Individual Permit for Discharge of Stormwater from Construction Activities have been issued.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by an aggrieved person under the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

*Southeast Regional Office, Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-D057	Toll Brothers, Inc. 3103 Philmont Avenue Huntingdon Valley, PA 19006	Buckingham Twp. Bucks County	Unnamed Tributary to Pine Run
PAS10-G290	Penn Real Estate Group 4427 Spruce St. Philadelphia, PA 19041	East Whiteland Twp. Chester County	Valley Creek

*Northeast Regional Office, Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10Q143	Bellgate Associates 232 Main Street Emmaus, PA 18049	Lehigh Co. Lower Milford Twp.	Licking Creek
PAS10Q001-1R	Hornstein Enterprises, Inc. dba/OMEGA 1150 South Cedar Crest Blvd. Allentown, PA 18103-7909	Lehigh Co. Lower Macungie Twp.	Little Lehigh Crk.
PAS10U080	Hornstein Enterprises, Inc. 1150 Cedar Crest Blvd. Allentown, PA 18103-7909	Northampton Co. Forks Twp.	Bushkill Creek

*Southcentral Regional Office, Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, (717) 657-4590.*

**PAS-10-Y068.** Individual NPDES. **Michael C. Manning**, 1706 Kathryn Street, New Cumberland, PA 17070. To implement an erosion and sedimentation control plan for the 240 lot Woodbridge Farms development on 163.6 acres in Fairview Township, **York County**. The project is located along the south side of Big Spring Road and east of Beinhower Road (Steelton, PA Quadrangle N: 10.0 inches; W: 8.2 inches). Drainage will be to Big Spring Run.

## INDIVIDUAL PERMITS

## (PAR)

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

*List of NPDES and/or other  
General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

*General Permit Type—PAG 2*

*Facility Location  
County and  
Municipality*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Lackawanna Co. City of Scranton	PAR10N055	Jessie Singh P. O. Box 128 Waverly, PA 18471	Keyser Creek	Lackawanna CD (717) 587-2607
Luzerne Co. Hanover Twp.	PAR10R137	Mericle Properties New Commerce Bldg. Hanover Twp.	Unnamed Tributary to Warrion	Luzerne CD (717) 674-7991
Monroe Co. Smithfield Twp.	PAR10S020	Shively Property Frank Riccobono P. O. Box 1217 Marshalls Creek, PA 18335	Brodhead Creek	Monroe CD (717) 629-3060
Snyder Co. Perry Twp.	PAR105904-R	Carl E. Shaffer Church Hill Estates R. R. 1, Box 47 Mt. Pleasant Mills, PA 17853	North Branch Mahantango Creek	Snyder CCD 403 West Market St. Middleburg, PA 17842 (717) 837-0085
Snyder Co. Perry & Washington Twps.	PAR105910-R	Carl E. Shaffer Fox Crossing R. R. 1, Box 47 Mt. Pleasant Mills, PA 17853	North Branch Mahantango Creek	Snyder CCD 403 West Market St. Middleburg, PA 17842 (717) 837-0085

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Berwick Twp. Adams Co.	PAR-10-0065	Test Enterprises, Inc. 1235 Abbottstown Pike Hanover, PA 17331	Beaver Creek	Adams County CD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Jefferson Twp. Berks Co.	PAR-10-C177	Lake Expansion Project Darrell Helms 3001 St. Lawrence Ave. Reading, PA 19606	Tulpehocken Crk.	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
North Middleton Twp. Cumberland Co.	PAR-10-H148	Kollas & Costopoulos Kingsbrook Section VII 1104 Femwood Avenue Camp Hill, PA 17011	Wertz Run	Cumberland County CD 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812
North Middleton Twp. Cumberland Co.	PAR-10-H149	Kollas & Costopoulos Wertz Run Heights 1104 Femwood Ave. Camp Hill, PA 17011	Wertz Run	Cumberland County CD 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812
Hampden Twp. Cumberland Co.	PAR-10-H151	Signal Hill Development Co. Signal Hill 4075 Market St. Camp Hill, PA 17011	UNT to Sears Run	Cumberland County CD 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812
Lower Allen Twp. Cumberland Co.	PAR-10-H150	Haubert Homes, Inc. Heights of Beacon Hill 15 Central Blvd. Camp Hill, PA 17011	Yellow Breeches	Cumberland County CD 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812
Chambersburg Borough Franklin Co.	PAR-10-M146	Dermody Properties 1200 Financial Blvd. Reno, NE 89502	Conococheague Crk.	Franklin County CD 550 Cleveland Ave. Chambersburg, PA 17201 (717) 264-17201
West Hempfield Twp. Lancaster Co.	PAR-10-O-258	Jean Baker Estate P. O. Box 28 Columbia, PA 17512	UNT Chickies Crk.	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
West Hempfield Twp. Lancaster Co.	PAR-10-O-263	D. H. Funk & Sons 3850 Continental Drive Columbia, PA 17512	Shawnee Run	Lancaster County CD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Earl Twp. Lancaster Co.	PAR-10-O-287	Christian Fellowship Church 780 E. Main St. New Holland, PA 17557	UNT Conestoga River	Lancaster County CD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
East Lampeter Twp. Lancaster Co.	PAR-10-O288	Southridge Farm Partnership 26 Millersville Rd. Lancaster, PA 17603	Mill Crk.	Lancaster County CD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Manheim Twp. Lancaster Co.	PAR-10-O294	WHB Properties 126 Foxshire Dr. Lancaster, PA 17601	Little Conestoga Crk.	Lancaster County CD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361



*Facility Location  
County and  
Municipality*

*Permit No.*

*Applicant Name  
and Address*

*Receiving Stream  
or Body of Water*

*Contact Office and  
Telephone No.*

Earl Twp. Lancaster Co.	PAR-10-O-295	JA-LYN Developers 148 Brick Church Rd. Leola, PA 17540	UNT Mill Crk.	Lancaster County CD 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Allegheny Co. McCandless Twp.	PAR10A049R	Christian M. Early 9964 Grubbs Rd. Wexford, PA 15090	Pine Crk.	Allegheny County CD (412) 241-7645
Allegheny Co. Monroeville Twp.	PAR10A087R	David L. Barcellino 2878 Old William Penn Highway Export, PA 15632	Turtle Crk.	Allegheny County CD (412) 241-7645
Allegheny Co. Franklin Park Borough	PAR10A129R	First PA Homes Corp. 119 Gamma Drive Pittsburgh, PA 15238	Bear Run	Allegheny County CD (412) 241-7645
Allegheny Co. Pittsburgh	PAR10A178R	Elm Realty P. O. Box 1253 McMurray, PA 15317	UNT Saw Mill Run	Allegheny County CD (412) 241-7645
Allegheny Co. Collier Twp.	PAR10A246	Ridge Properties Assoc. 2000 Lincoln Rd. Pittsburgh, PA 15235	Scotts Run	Allegheny County CD (412) 241-7645
Beaver Co. Center Twp.	PAR100216R	Sam Lucci 214 Pleasant Dr. Aliquippa, PA 15001	Elkhorn Run.	Beaver County CD (412) 774-7090
Beaver Co. Portage Twp.	PAR101041	DEP—BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	Trout Run	Beaver County CD (412) 774-7090
Beaver Co. Carrolltown	PAR101042	Carrolltown Borough Carrolltown Borough Rec. Park P. O. Box 307 Carrolltown, PA 15722	UNT Little Chest Crk.	Beaver County CD (412) 774-7090
Fayette Co. North Union Twp.	PAR10L034	DEP—BAMR P. O. Box 149 Ebensburg, PA 15931	Cove Run	SW Regional Office (412) 442-4315
Somerset Co. Shade Twp.	PAR106123R	Dept. of Environmental Protection P. O. Box 8476 Harrisburg, PA 17105-8476	UNT Dark Shade Crk.	Somerset County CD (814) 445-8979
Erie Co. McKean Twp.	PAR10K095	Henry M. Zimmer, Jr. R. D. 4 2321 Greenlee Rd. Waterford, PA 16441	UNT Elk Crk.	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Mercer Co. Pine Twp.	PAR104333	WMCA of Grove City 317 Erie St. Grove City, PA 16127	Trib. to Swamp Run	Mercer Conservation District R. D. 2, Box 2055 747 Greenville Rd. Mercer, PA 16137 (712) 662-2242

*General Permit Type—PAG 3*

*Facility Location  
County and  
Municipality*

*Permit No.*

*Applicant Name  
and Address*

*Receiving Stream  
or Body of Water*

*Contact Office and  
Telephone No.*

Luzerne Co. Jenkins Twp.	PAR112219	Midway Tool Engineering Co. Inc. 651 Westminster Rd. Wilkes-Barre, PA 18702	Gardner Crk.	Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18711 Water Mgmt. (717) 826-2511
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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Northumberland Co. Northumberland	PAR804839	Consolidated Rail Corp. Conrail Northumberland Yard 4th and Duke Sts. Northumberland, PA 17857	Susquehanna River	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
<i>General Permit Type—PAG 4</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Adams Twp. Butler Co.	PAG048474	Tim J. Hall 105 Sturbridge Lane Evans City, PA 16033	Tributary to Breakneck Crk.	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Clearfield Co. Bradford Twp.	PAG044990	Jean Read P. O. Box 53 Woodland, PA 16881	Unnamed Tributary of Millstone Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664

## SAFE DRINKING WATER

### Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

*Southeast Regional Office, Sanitarian Regional Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

**Permit No. 1597510.** Public water supply. **Lazy Acres Mobile Home Park, Lucy Jean Patton**, 21 Patton Drive, Honey Brook, PA 19344. A permit has been issued to Lucy P. Patton for the permitting of Lazy Acres Mobile Home Park's existing water supply system in Honey Brook Township, **Chester County**. *Type of Facility:* Public Water Supply System. **Consulting Engineer:** American Commonwealth Management, Services Company, Todd M. Duerr, 402 Boot Road, Downingtown, PA 19335. *Permit to Construct Issued:* January 29, 1998.

*Northeast Regional Office, Sanitarian Regional Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**Permit No. 4592501A1.** Public water supply. **Pocono Creek Park Water Company**, Marvin Papillion, c/o Papillion Contracting, 816 North Ninth Street, Stroudsburg, PA 18360. This proposal involves the addition of a blended polyphosphate chemical to sequester the iron and manganese concentrations found in Well No. 1. *Permit to Operate:* January 12, 1998.

**Permit No. 3396420.** Public water supply. **Great Springs Waters of America, Inc.**, 405 Nestle Way, Breinigsville, PA 18031. This proposal involves the addition of a bottling line, line No. 6 to fill 0.5 liter bottles. *Permit to Operate:* January 20, 1998.

**Permit No. 3597502.** Public water supply. **St. Mary's Village Nursing Home**, Colleen M. Lando, Administrator/CEO, St. Mary's Village Rd., Elmhurst, PA 18416-0193. This proposal involves construction of a new geo-synthetic water storage reservoir with associated conveyance lines and replacement of the submersible pump in Well No. 1. It is located in Elmhurst Township, **Lackawanna County**. *Permit to Operate:* January 6, 1998.

## HAZARDOUS SITES CLEANUP

### Under the Act of October 18, 1988

#### Proposed Settlement Under the Hazardous Sites Cleanup Act and Comprehensive Environmental Response, Compensation and Liability Act

#### McAdoo Associates Superfund Site Kline Township and McAdoo Borough, Schuylkill County

The Department of Environmental Protection (Department), along with the United States of America, under the authority of section 1113 of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. § 6020.1113) and section 122 of the Federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, of 1980, 42 U.S.C.A. § 9622, has entered into a proposed Consent Decree with the United States of America and a group of settling defendants (defendants) subsequent to *Commonwealth of Pennsylvania, Department of Environmental Protection v. Air Products and Chemicals, Inc., et al.*, Civil Action No. 97-7144 and *The United States of America v. Air Products and Chemicals, Inc., et al.*, Civil Action No. 97-7140. The proposed Consent Decree was lodged on December 9, 1997, with the United States District Court for the Eastern District of Pennsylvania. The proposed Consent Decree is intended to comprise a global settlement with respect to remaining issues involving the Kline Township portion of the McAdoo Associates Superfund Site (site). The site is located in or near the Borough of McAdoo, Schuylkill County.

The proposed Consent Decree would settle actions that the Department brought under sections 507 and 1103 of the HSCA and section 107(a) of CERCLA and would compel the settling defendants to undertake certain response actions and to reimburse the Commonwealth of Pennsylvania for response costs incurred at the site. The proposed Consent Decree also settles claims of some of the settling defendants against others of the settling defendants arising out of an earlier settlement relative to the site in *United States and Commonwealth of Pennsyl-*

*vania v. Air Products and Chemicals, Inc., et al.*, Civil Action No. 87-7352 (E.D. Pa.) (consent decree entered June 3, 1988) (1988 decree).

Under the terms of the proposed Consent Decree: (1) those settling defendants that settled under the 1988 decree (Air Products parties) will receive \$1.2 million from those settling defendants that did not settle with the United States and the Commonwealth of Pennsylvania under the 1988 decree (Alcan parties) and from the escrow account to resolve the Air Product parties' claims for contribution against the Alcan parties (\$170,000), and to resolve the Air Products parties' reauthorized claim for reimbursement from the United States Environmental Protection Agency (EPA) Hazardous Substance Superfund under the 1988 decree (\$1.03 million); (2) The Air Products parties will implement a groundwater monitoring remedy selected under a Record of Decision for the site issued on September 30, 1991 for Operable Unit 2 (OU2) at the site; (3) the settling defendants will pay the United States and the Commonwealth of Pennsylvania past costs relating to OU2 at the site (totaling \$75,000 and \$5,000 respectively); and (4) the United States will recover, on behalf of the EPA Hazardous Substance Superfund from the Alcan parties, the sum of \$970,000, plus a designated share of interest that has accrued on funds that the Alcan parties paid into an escrow account pending finalization of a 1992 consent decree, whose entry was vacated by the United States Court of Appeals in *United States v. Alcan Aluminum, Inc.* 25 F.3d 1174 (3d Cir. 1994). The Commonwealth of Pennsylvania, under the terms of the proposed Consent Decree, will not receive any of the aforementioned interest.

The proposed Consent Decree includes a covenant not to sue by the Commonwealth of Pennsylvania under sections 507, 701, 702, 1101 and 1102 of the HSCA. The settling defendants also receive contribution protection under section 705 of the HSCA.

This notice is provided under section 1113 of the HSCA, 35 P.S. § 6020.1113. Section 1113 of the HSCA provides that the settlement shall become final upon the filing of the Department's response to significant written comments. The proposed Consent Decree which contains the specific terms of the settlement, is available for public review and comment. The proposed Consent Decree can be examined from 8 a.m. to 4 p.m. Monday through Friday at the Department's Northeast Regional Office located at 2 Public Square, Wilkes-Barre, PA 18711, by contacting Woodrow Cole at (717) 826-2511 or through the PA AT&T Relay Service at (800) 654-5984 (TDD). A public comment period on the proposed Consent Decree will extend for 60 days from today's date. The Department will accept written comments concerning the proposed Consent Decree until April 22, 1998. Comments concerning the proposed Consent Decree can be sent to Woodrow Cole at the above address.

### **Proposed Response Under the Hazardous Sites Cleanup Act**

#### **Ashland Metals Site Butler Township, Schuylkill County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101 et. seq.), proposes to initiate an interim response action at the Ashland Metals Site (site) located in Butler Township, Schuylkill County.

The purpose of this response is to eliminate the threat to the public health and the environment caused by the

presence of lead contamination in the site soils, waste piles and building. This will be accomplished by the removal of site waste materials to an approved disposal facility and by the placement of a soil cover over the entire site. The actions taken under this phase of the response will eliminate the pathway of concern, direct contact, for the public and the environment.

The site (EPA identification no. PAD086727435) is located on approximately 13 acres in Butler Township, Schuylkill County, PA. It is located at 40°46'13" north latitude and 76°20'26" west longitude on the USGS Ashland, PA 7.5 minute quadrangle. The site is bordered by Germanville Road to the south, to the west by the Conrail right-of-way, and to the north and east by Mahanoy Creek. The Giordano Waste Materials HSCA Site is located directly across Germanville Road. The Giordano site is related to the Ashland Metals site in that both were used in the battery recycling operation and both sites exhibit similar physical as well as chemical contamination characteristics.

The site is a defunct battery recycling facility. Several buildings are onsite including the former processing building used for site operations, an office building and a garage/repair shop. Waste piles of chopped battery casings, waste acid tanks and trailers filled with whole and chopped battery casings are present. Vegetation at the site is sparse, with most of the site subject to erosion. Although no mining operations have occurred onsite, the site contains a surficial fill layer consisting of coal tailings from the area. A fence is present along the southern portion of the site, adjacent to Germanville Road.

A recent site study conducted by Foster Wheeler Environmental Corp. working as a Department General Technical Assistance Contractor revealed the presence of significant quantities of buried chopped and whole battery casings scattered throughout the site. Significant levels of lead contamination are associated with the media surrounding these buried wastes. The Foster Wheeler study confirmed the presence of significant levels of lead contamination as presented in earlier site studies and quantified the extent of surface, soil, surface water and groundwater contamination at the site. Wastes present in above ground storage tanks were sampled. Containerized waste on the site were inventoried and also sampled. The results, which were presented in a site Technical Directive Memorandum (TDM) to the Department, indicated that hazardous levels of contamination were present throughout the site in site soils, containers and waste/debris piles.

Releases have occurred from the site during the battery recycling operations. The releases include lead, and lead by-products found in batteries, acids and waste whole and chopped battery casings. Acids were collected in an acid holding tank which is still located onsite. The efficiency of this collection system is questionable, and releases of acids occurred during normal plant operations. Battery casings were chopped and stored and/or disposed of onsite. Waste piles present onsite were found to contain high levels of lead and could present the largest source of contamination from the site, impacting site soils and groundwater.

Previous site investigations have determined that areas of site contamination consist of site soils, waste piles, debris and containers within site buildings, acid storage tanks, stockpiled battery casings and buried battery casings. Toxic Characteristic Leaching Procedure (TCLP) data indicate that all of the waste types exhibited TCLP lead concentrations characteristic of hazardous waste.

Total lead concentrations in soils throughout most of the site exceed 1,000 ppm. Lead has also been demonstrated to be present in groundwater associated with the site.

These significant concentrations of lead contaminated surface media as well as wastes placed on the surface pose a significant threat to the public health and the environment. Lead is a hazardous substance, as defined by section 103 of the HSCA, 35 P. S. § 6020.103, as well as the Comprehensive Environmental Response and Liability Act of 1980 (Public Law 96-510, 94 Stat. 2767), as amended.

#### *Response Category*

The chosen response at this site will be conducted as an interim response under section 501 of the HSCA utilizing the Hazardous Sites Cleanup Fund. The Department may undertake an interim response whenever the cost of the response is expected to be less than \$2,000,000, and the duration of the response is expected to be no longer than 12 months. The proposed response is estimated to cost less than \$2,000,000 and is expected to be completed within 12 months.

The proposed response action includes the offsite treatment and disposal of contaminated waste/debris piles and building materials, and placement of a clay and soil/vegetative cover over the site. These actions are appropriate for an interim response. The Department may undertake any interim response which it deems necessary or appropriate to protect the public health, safety and welfare or the environment where there is a release or threat of release of a hazardous substance. The Department has determined that the proposed response action will achieve the response action objectives established by the Department, as discussed in the following and be protective of public health, safety and welfare, and the environment. Additional response action may be needed to achieve a complete and final cleanup for the site.

The response action objective established by the Department for the site is to prevent human exposure to site media with concentrations of contaminants above health-based levels.

To achieve this objective, the following alternatives were considered:

- *Alternative 1:* No further action. This alternative provides a baseline against which other alternatives can be compared. Under this alternative, no activities would be implemented at the site. Because no response actions would be implemented with this alternative, neither the human nor the environmental risks associated with the site would decrease.

- *Alternative 2:* Removal of all site surface waste/debris piles and building contents along with the demolition of the site building, as well as the construction of a site fence to limit access. All surface waste and demolition material will be sent to an offsite disposal facility. The estimated cost for this alternative is \$650,000. The remedy would not be a permanent remedy since the mobility, toxicity and volume of the contaminants in site soils would not be significantly altered, although the direct contact pathway would be reduced.

- *Alternative 3:* Removal of all site surface waste/debris piles and building contents along with the demolition of the site building. All waste and demolition material will be sent to an offsite disposal facility. The entire area of the site would be covered with clean clay, soil and/or mine spoil material and stabilized (erosion control, topsoil addition and revegetation). The estimated cost for

this alternative is \$2,000,000. This alternative would significantly reduce the potential for contact with the contaminated soil on site and be protective to the community by eliminating the nuisance and physical and chemical threats presented by site buildings and contaminated soil.

- *Alternative 4:* Removal of waste, debris, soil, buried battery casings and building material with lead levels in excess of 1,000 mg/kg, offsite disposal of the material removed, and stabilizing the site. The estimated cost for this alternative is \$7,000,000. This alternative would significantly reduce the potential for contact with site contaminants and significantly reduce environmental threats to the community and the environment, however, the cost of this remedy is out of the scope of an HSCA interim response.

#### *Proposed Response*

The Department has selected Alternative 3, the removal of all surface waste and debris along with the removal of all wastes within the site processing building to an offsite disposal facility and the implementation of institutional and engineering controls. Also, the remains of the site processing building as well as the maintenance garage and related structures would be demolished and the debris disposed of at an approved offsite disposal facility. The institutional and engineering controls under this alternative include a clean soil cover and deed notices. This alternative will protect human health by isolating the contamination from human contact. Isolating the contamination will eliminate the direct contact, inhalation and ingestion pathways. Deed notices will be implemented to help ensure the contamination will remain isolated and that the groundwater at the site will not be utilized. This alternative meets the requirements of an HSCA interim response.

The administrative record, which contains the information that forms the basis and documents the selection of this response action, is available for public review. The administrative record will be available for public inspection from 8 a.m. to 4 p.m., Monday through Friday, at the Department's Northeast Regional Office located at 2 Public Square, Wilkes-Barre, PA 18711.

Written comments concerning the response or information in the administrative record will be accepted in person, if delivered, or by mail, if postmarked, on or before May 22, 1998, to the attention of Joseph Iannuzzo, Project Officer, Hazardous Sites Cleanup Program, at the Northeast Regional Office address.

Additionally, the public will have an opportunity to present oral comments at a public hearing. The public hearing has been scheduled for April 7, 1998 at 1 p.m. at the Butler Township Municipal Building which is located on Route 61 in Butler Township. Persons wishing to present oral testimony must register on or before March 24, 1998 by calling Joseph Iannuzzo at (717) 826-2589. Persons interested in finding out if anyone has registered or the location of the hearing should contact Joseph Iannuzzo. The Department may cancel the hearing if no one registers to present comments by the above date.

The Department is providing this notice under section 506(b) of the HSCA. The date of publication of this notice in the *Pennsylvania Bulletin* initiates the minimum 90-day public comment period on the administrative record, as provided under that act. Questions concerning this site may be directed to Joseph Iannuzzo at (717) 826-2589.

Persons with a disability who wish to attend the public hearing referenced above and require an auxiliary aid,

service or other accommodation to participate in the proceedings, should contact Joseph Iannuzzo directly or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

#### **Notice of Settlement Under the Hazardous Sites Cleanup Act**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675), has entered into a settlement relating to the cleanup of the AIW Frank/Mid-County Mustang National Priority List (NPL) Superfund Site (site) in Exton, PA. The settlement involves a Consent Order and Agreement between the Department and Lewis and Ruth Frame (Frames), who are potentially responsible parties as owners of a portion of the site during a release of hazardous substances at the site.

The site consists of approximately 16 acres along Business Route 30 just east of the intersection of Ship Road in Exton, PA. Between approximately 1975 and 1996, the AIW Frank Corporation used a portion of the site, the AIW Frank property, for manufacturing Styrofoam products. During AIW Frank's operations, and during the time when the Frames owned the AIW Frank property, hazardous substances were released on and about the property, leading to soil and groundwater contamination.

The United States Environmental Protection Agency (EPA) and the Department have concurred on the appropriate remedial response for the site as documented in an EPA Record of Decision (ROD) dated September 29, 1995. The remedial action includes excavation and disposal of contaminated soils, removal of drums and extraction and treatment of groundwater, as well as long term monitoring of groundwater at the site. Under the terms of the proposed Consent Order and Agreement, the Frames will perform certain remedial work at the site, and will reimburse a portion of the costs incurred by the Department in connection with the site.

This notice is provided under section 1113 of the HSCA (35 P.S. § 6020.1113). The Department will provide for a 60-day public comment period on the proposed Consent Order and Agreement from the date of publication of this notice. The proposed Consent Order and Agreement may be examined from 8 a.m. to 4 p.m. at the Department's office at Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, by contacting David Ewald at (610) 832-6200 or Paul Rettinger at (610) 832-6300 during normal business hours. Persons may submit written comments to David Ewald at the above address. The Department will provide a response to all significant written comments received during the public comment period, and the proposed Consent Order and Agreement authorizes the Department to withhold or withdraw its consent in the event that the Department determines, based on comments received during the public comment period, that the Consent Order and Agreement is inappropriate, improper or not in the public interest.

#### **Notice of Settlement Under the Hazardous Sites Cleanup Act**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305) and the Comprehensive Environmental Response, Com-

pensation and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675), has entered into a settlement relating to the cleanup of the Nicolet HSCA Site (site) located at 600 and 700 East Washington Street, Borough of Norristown, Montgomery County, PA. The settlement involves a Consent Order and Agreement between the Department and Reading Company (Reading) and Reading Real Estate Company (Reading Real Estate), who are potentially responsible parties as, respectively, a sublessor and an owner of a portion of the site during a release of hazardous substances.

The site consists of two adjacent parcels of land totaling approximately 7.65 acres. One of the parcels (the Reading Real Estate Property) was subleased by Reading and is currently owned by Reading Real Estate. During Reading Real Estate's ownership, the Reading Real Estate Property was leased to Reading and subleased by Reading to Nicolet, Inc., which used the site for fabricating asbestos-containing products, during which hazardous substances, including asbestos, were released on the site.

As result of the Department's investigation of the site, the Department has proposed an interim response at the site as documented in a Department Statement of Decision (SOD) dated December 10, 1997. The interim response includes removal of all hazardous materials, and further investigation of the site to identify any additional materials or contaminated soil which pose a threat to the public health or safety or to the environment. Under the terms of the proposed Consent Order and Agreement, Reading and Reading Real Estate will make an immediate payment of \$75,000 for response costs to be incurred by the Department in connection with the site.

This notice is provided under section 1113 of the HSCA (35 P.S. § 6020.1113). The Department will provide for a 60-day public comment period on the proposed Consent Order and Agreement from the date of publication of this notice. The proposed Consent Order and Agreement may be examined from 8 a.m. to 4 p.m. at the Department's office at Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, by contacting David Ewald at (610) 832-6200 or Paul Rettinger at (610) 832-6300 during normal business hours. Persons may submit written comments to David Ewald at the above address. The Department will provide a response to all significant written comments received during the public comment period, and the proposed Consent Order and Agreement authorizes the Department to withhold or withdraw its consent in the event that the Department determines, based on comments received during the public comment period, that the Consent Order and Agreement is inappropriate, improper or not in the public interest.

## **LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

### **Under Act 2, 1995**

#### **Preamble 3**

**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation

standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

*Southcentral Regional Office, Environmental Cleanup Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4592.*

**Franklin-Lehigh Substation**, City of Lancaster, Lancaster County. **PP&L**, Two North Ninth Street, Allentown, PA 18101-1179 has submitted a Final Report concerning remediation of site soils contaminated with PCBs. The report is intended to document remediation of the site to meet the Statewide health standard.

*Northwest Regional Office: Craig Lobins, Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.*

**Shenango Valley Industrial Development Corporation**, Broadway Avenue, Mercer County, location of Caparo Steel Company, former Finishing Division B, has submitted a Final Report to remediate groundwater and soil contaminated with lead and heavy metals. The report is intended to document remediation of the site to meet the Statewide health standard. A summary of the Final Report was reported to have been published in the *Sharon Herald* in February of 1998.

## **SOLID AND HAZARDOUS WASTE**

### **LICENSE TO TRANSPORT HAZARDOUS WASTE**

**Renewal licenses issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 8471, Harrisburg, PA 17105-8471.*

**Baltimore Tank Lines, Inc.**, P.O. Box 1028, Glen Burnie, MD 21060-1028; License No. **PA-AH 0458**; renewal license issued January 28, 1998.

**Detrex Corporation**, P.O. Box 5111, Southfield, MI 48086-5111; License No. **PA-AH 0417**; renewal license issued January 28, 1998.

**Diablo Systems Incorporated dba Diablo**, P.O. Box 113, Joplin, MO 64802; License No. **PA-AH 0516**; renewal license issued February 4, 1998.

**E. I. Dupont De Nemours and Company, Experimental Station**, P.O. Box 80268, Wilmington, DE 19880-0268; License No. **PA-AH S227**; renewal license issued February 9, 1998.

**Enviroserve, J. V.**, 5502 Schaaf Road, Cleveland, OH 44131; License No. **PA-AH 0456**; renewal license issued February 4, 1998.

**S-J Transportation Co.**, P.O. Box 169, Woodstown, NJ 08098; License No. **PA-AH 0015**; renewal license issued February 9, 1998.

**Safety-Kleen Canada, Inc.**, 300 Woolwich Road, Breslau, ON N0B 1M0; License No. **PA-AH 0517**; renewal license issued February 9, 1998.

**The Trustees of the University of Pennsylvania, Office Environmental Health and Radiation Safety**, 14th Floor Blakely Hall, Philadelphia, PA 19104-6021; License No. **PA-AH S192**; renewal license issued February 9, 1998.

**Trinity Industries Transportation, Inc.**, P.O. Box 568887, Dallas, TX 75356-8887; License No. **PA-AH S198**; renewal license issued January 28, 1998.

**U.S.A. Environmental Management, Inc.**, 8600 West Chester Pike, Suite 103, Upper Darby, PA 19082; License No. **PA-AH 0525**; renewal license issued February 9, 1998.

**License expired under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 8471, Harrisburg, PA 17105-8471.*

**Bell Harbor Environmental Co., Inc.**, 16 Elm Street, West Haven, CT 06516; License No. **PA-AH 0505**; license expired on January 31, 1998.

**Skinner Grain & Fertilizer Co., Inc.**, P.O. Box 176, Hartford, AL 36344; License No. **PA-AH 0510**; license expired on January 31, 1998.

**Evergreen Construction Co., Inc.**, 34 Williams Way, Bellingham, MA 02019; License No. **PA-AH S216**; license expired on January 31, 1998.

### **RESIDUAL WASTE PROCESSING FACILITIES**

**Permits issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.**

*Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**Permit ID No. 301307. Allegheny Liquid Systems, Inc.**, 1815 Washington Road, Pittsburgh, PA 15241. Operation of a residual waste transfer/processing facility in the City of Pittsburgh, **Allegheny County**. Permit issued in the Regional Office on February 3, 1998.

**Permit ID No. 301238. Allegheny Recovery Corp.**, One Library Place, Duquesne, PA 15110. Operation of a residual waste transfer/processing facility in the City of Duquesne, **Allegheny County**. Permit issued in the Regional Office on February 4, 1998.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Solid Waste Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.**

*Southcentral Regional Office, Regional Solid Waste Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4588.*

**Permit No. 101632. Wyeth Laboratories, Inc.** (P. O. Box 304, Marietta, PA 17547). Application for infectious waste processing facility for a site in East Donegal Township, **Lancaster County**. Permit issued in the Regional Office February 5, 1998.

*Northwest Regional Office: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6848.*

**Permit No. 100329. Waste Management of Pennsylvania, Inc. (Lake View Landfill)**, 851 Robison Road East, Erie, PA 16509. Major permit modification to change corporate name from Waste Management Disposal Services of Pennsylvania, Inc., to Waste Management of Pennsylvania, Inc. Permit modification issued in Regional Office January 28, 1998.

### PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

#### INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

**Infectious and chemotherapeutic waste transporter license voluntarily terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.**

*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Apex Waste Services, Inc.**, 13 Peggy Parkway, Dunmore, PA 18512; License No. **PA-HC 0062**; license terminated January 26, 1998.

**Stericycle**, 2510 Erick Street, Baltimore, MD 21230; License No. **PA-HC 0167**; license terminated December 23, 1997.

## AIR POLLUTION

### OPERATING PERMITS

**General Plan Approval and Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**48-323-004G: S & L Plastics Incorporated** (2860 Bath Pike, Nazareth, PA 18064) for the installation and operation of a burn-off oven with air pollution control by an afterburner in Upper Nazareth Township, **Northampton County**.

**Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**61-318-008. Con Air Group—Franklin Div.** (P. O. Box 790, Franklin, PA 16323) issued for a painting process in Sugarcreek Township, **Venango County**.

**PA-62-153A. Whirley Industries, Inc.** (6 Harmar Street, Warren, PA 16365) issued for printing and silk screening operations in Warren, **Warren County**.

### PLAN APPROVALS

**Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**39-313-032B: Mallinkrodt Chemical Inc.** (2409 North Cedar Crest Blvd., Allentown, PA 18104) issued January 20, 1998, for the modification of the DMPA tank system with air pollution control by a scrubber in South Whitehall Township, **Lehigh County**.

**40-318-032B: Continental White Cap Company** (350 Jaycee Drive, Valmont Industrial Park, West Hazleton, PA 18201) issued January 28, 1998, for the modification of lithographic line C4 and C5 with air pollution control by a catalytic incinerator in Hazle Township, **Luzerne County**.

**40-318-050: Quality Collisions Inc.** (Box 701, Route 309, Dallas, PA 18612) issued January 21, 1998, for the construction of four paint booths with air pollution control by panel filters in Dallas Township, **Luzerne County**.

**48-309-027E: Essroc Cement Corporation** (3251 Bath Pike, Nazareth, PA 18064) issued January 28, 1998, for the modification of a cement kiln, mill and clinker cooler with air pollution control by an electrostatic precipitator and two baghouses in Nazareth Borough, **Northampton County**.

*Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4587.*

**06-1002C: Allentown Cement Co. Inc.** (P. O. Box 619, Blandon, PA 19510-0619) issued January 26, 1998, for modification of the Finish Mill No. 2 controlled by a fabric collector at their Evansville Plant, in Maiden Creek Township, **Berks County**.

**06-5063A: EAFCO, Inc.** (Spring and Schaeffer Sts., Boyertown, PA 19512) issued January 26, 1998, for modification of the sand system at their Boyertown Plant, in Boyertown, **Berks County**.

**06-319-103C: East Penn Mfg. Co. Inc.** (P. O. Box 147, Lyon Station, PA 19536-0147) issued January 26, 1998, for construction of the A-3 and S-1 Formation controlled by six scrubbers in Richmond Township, **Berks County**.

**29-310-002E: H. B. Mellott Estate, Inc.** (P. O. Box 310, Hancock, MD 21750) issued January 26, 1998, for modification of the portable limestone crushing plant

controlled by a combination of wet suppression and a fabric collector at the Warfordsburg/Charlton Quarry in Bethel Township, **Fulton County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

**07-310-025: Grannas Bros. Stone & Asphalt Co. Inc.** (P. O. Box 488, Hollidaysburg, PA 16648) issued January 30, 1998, for the construction of their limestone crushing and screening plant controlled by water sprays at the Ganister Quarry in Catherine Township, **Blair County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

*Northcentral Regional Office, Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.*

**08-399-038B: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) issued on January 7, 1998, for the installation of air cleaning devices (a fabric collector and a HEPA filter) on 18 tungsten/molybdenum alloy annealing ovens in Departments 012 and 090, Building 20 in North Towanda Township, **Bradford County**.

**17-399-019: Anchor Technologies, Inc.** (P. O. Box 401, Dubois, PA 15801) issued on January 16, 1998, for the construction of a powdered metal parts sintering furnace and associated air cleaning device (a stack after-burner) in Sandy Township, **Clearfield County**.

**14-313-035A: Ruetgers—Nease Corporation** (201 Struble Road, State College, PA 16801) issued on January 27, 1998, for the modification of a chemical process facility (MMPDC intermediate) in College Township, **Centre County**.

**08-302-040: Taylor Packing Company, Inc.** (P. O. Box 188, Wyalusing, PA 18853) issued on January 28, 1998, for the construction of a 40.4 million btu per hour natural gas/#2 fuel oil fired boiler equipped with a low NOx burner in Wyalusing Township, **Bradford County**. This boiler is subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

**Plan Approvals denied under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northcentral Regional Office, Air Quality Program 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.*

**41-318-032A: Textron Lycoming** (652 Oliver Street, Williamsport, PA 17701) denied February 2, 1998, for the construction of a surface coating spray booth which will not comply with the applicable requirements of 25 Pa. Code § 129.52 in the City of Williamsport, **Lycoming County**.

## MINING

### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for

401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

*Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.*

### Coal Permits Issued

**26950103. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit issued for commencement, operation and reclamation of a bituminous surface/auger mine located in Redstone Township, **Fayette County**, affecting 5.6 acres. Receiving streams: Redstone Creek to the Monongahela River. Application received: September 29, 1995. Permit issued: January 16, 1996.

**63793203R. Empire Fuel Corporation** (80 East Main Street, Uniontown, PA 15401). Renewal permit issued for continued operation and reclamation of a bituminous coal refuse reprocessing site located in Smith Township, **Washington County**, affecting 14.0 acres. Receiving streams: Raccoon Creek. Renewal application received: June 15, 1995. Renewal permit: issued January 24, 1996.

**30813020R. CT & LT Enterprises, Inc.** (R. D. 1, Box 24, Coal Center, PA 15423). Permit revised to add 6.6 acres to an existing bituminous surface mining site located in Jefferson Township, **Greene County**, now affecting 110.3 acres. Receiving streams: Unnamed tributary to Ten Mile; unnamed tributary to South Fork to Ten Mile then to Monongahela River; unnamed tributary to Rush Run to Monongahela River. Application received: June 2, 1995. Revision issued: February 1, 1996.

**03900103R. Thomas J. Smith, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774). Permit revised to add 8.5 acres to an existing bituminous surface mine site located in South Bend Township, **Armstrong County**, now affecting 79.2 acres. Receiving streams: unnamed tributary to Crooked Creek and Sugar Run to Crooked Creek. Application received: October 23, 1995. Revision issued: February 1, 1996.

**03950113. Seven Sisters Mining Co., Inc.** (U.S. Route 22, Delmont, PA 15626). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Burrell and South Bend Townships, **Armstrong County**, affecting 93 acres. Receiving streams: unnamed tributary to Crooked Creek and Crooked Creek. Application received: December 22, 1995. Permit issued: January 30, 1998.

**26920108R. T. L. Hill Coal Company** (R. D. 3, Box 690-A, Uniontown, PA 15401). Permit renewed for continued operation and reclamation of a bituminous surface mine located in Georges Township, **Fayette County**, affecting 3.0 acres. Receiving streams: unnamed tributary to York Run. Application received: August 4, 1997. Renewal issued: January 30, 1998.

**03910116R. Ancient Sun, Inc.** (P. O. Box 129, Main Street, Shippensburg, PA 16254). Permit renewed for continued reclamation of a bituminous surface mine located in Mahoning Township, **Armstrong County**, affecting 50.2 acres. Receiving streams: unnamed tributary to Mahoning Creek. Renewal application received: December 8, 1997. Renewal issued: February 4, 1998.



*Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.*

**179701112. Cougar Contracting, Inc.** (P. O. Box 217, Houtzdale, PA 16651), commencement, operation and restoration of a bituminous surface mine-auger permit in Bigler Township, **Clearfield County** affecting 86 acres, receiving streams: unnamed tributaries of Muddy Run to Muddy Run, Muddy Run to Clearfield Creek, Clearfield Creek to West Branch Susquehanna River; application received August 7, 1997, permit issued January 29, 1998.

**17960104. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), revision to an existing bituminous surface mine permit for a stream variance near Hegarty's Crossroads approximately 2,400 feet west of the intersection of Routes S. R. 0729 and S. R. 2002, Beccaria Township, **Clearfield County**. Approximately 100 feet of the intermittent stream to Cofnan Run will be mined through and the channel reconstructed. Said activities will commence approximately 700 feet south of S. R. 0729; application received November 1, 1997, permit issued January 8, 1998.

**17930103. Junior Coal Contracting, Inc.** (R. D. 3, Box 225A, Philipsburg, PA 16866), revision to an existing bituminous surface mine permit for an increase in acreage from 272.1 to 309.9 acres, Decatur and Woodward Townships, **Clearfield County**, receiving streams: unnamed tributaries to Beaver Run, Beaver Run, Little Beaver Run; application received August 5, 1997, permit issued January 8, 1998.

**17840117. K & J Coal Co., Inc.** (P. O. Box 189, Westover, PA 16692), major permit revision to an existing bituminous surface mine permit to apply biosolids (stabilized sewage sludge) to enhance vegetation, Jordan Township, **Clearfield County**; application received June 11, 1997, permit issued January 13, 1998.

**17830111. K & J Coal Co., Inc.** (P. O. Box 189, Westover, PA 16692), major permit revision to an existing bituminous surface mine permit to apply biosolids (stabilized sewage sludge) to enhance vegetation, Jordan Township, **Clearfield County**; application received June 11, 1997, permit issued January 8, 1998.

**17970107. Al Hamilton Contracting Company** (R. R. 1, Box 87, Woodland, PA 16881), commencement, operation and restoration of a bituminous surface mine permit in Boggs Township, **Clearfield County** affecting 458 acres, receiving streams: unnamed tributaries to Camp Hope Run and Morgan Run to Clearfield Creek to the West Branch Susquehanna River; application received May 6, 1997, permit issued December 23, 1997.

*Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.*

#### *Coal Applications Returned*

**17960116. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701), commencement, operation and restoration of a bituminous surface mine-auger permit in Bell Township, **Clearfield County** affecting 297.6 acres, receiving streams: unnamed tributary to Laurel Run and unnamed tributary to Lost Run, both Laurel Run and Lost Run are tributary to East Branch Mahoning Creek to Mahoning Creek to Allegheny River; application received September 16, 1996, application withdrawn January 22, 1998.

*Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.*

#### *Industrial Waste Permits Issued*

**366M010. Allegheny River Mining Company** (One Glade Park East, R. D. 8, P. O. Box 46, Kittanning, PA 16201). NPDES renewal issued for an existing industrial waste site located in South Buffalo Township, **Armstrong County**. Receiving streams: unnamed tributary to the Allegheny River. Renewal application received: December 1, 1995. Renewal issued: January 31, 1996.

**0381201. Allegheny River Mining Company** (One Glade Park East, R. D. 8, P. O. Box 46, Kittanning, PA 16201). NPDES renewal issued for an existing industrial waste site located in Cadogen Township, **Armstrong County**. Receiving streams: Bruner Run. Renewal application received: December 1, 1995. Renewal issued: January 31, 1996.

*Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.*

#### *Small Industrial Mineral Authorizations Granted*

**08970817. Perry L. Cooley** (R. R. 3, Box 202, Wyalusing, PA 18853), commencement, operation and restoration of a small industrial mineral (bluestone) permit in Orwell Township, **Bradford County** affecting 1 acre, receiving stream: South Hill Creek; application received July 24, 1997. Authorization granted January 13, 1998.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

#### *Noncoal Permits Issued*

**39970301. Lafarge Corporation** (5160 Main Street, Whitehall, PA 18052-1827), commencement, operation and restoration of a quarry operation in Whitehall Township, **Lehigh County** affecting 211.71 acres, receiving stream Coplay Creek. Permit issued February 4, 1998.

**54970301. Huss Contracting Company** (P. O. Box 549, Tamaqua, PA 18252), commencement, operation and restoration of a quarry operation in West Penn Township, **Schuylkill County** affecting 279.0 acres, receiving stream none. Permit issued February 5, 1998.

**54910301C. Huss Contracting Company** (P. O. Box 549, Tamaqua, PA 18252), correction to an existing quarry operation in West Penn Township, **Schuylkill County** affecting 27.0 acres, receiving stream none. Correction issued February 5, 1998.

**7274SM1A1C2. Huss Contracting Company** (P. O. Box 549, Tamaqua, PA 18252), correction to an existing quarry operation in West Penn Township, **Schuylkill County** affecting 97.0 acres, receiving stream Lizard Creek. Correction issued February 5, 1998.

**5278SM2C. Milestone Material, Inc.** (P. O. Box 231, Easton, PA 18044-0231), renewal of NPDES Permit No. PA0595764 in Lake Township, **Wayne County**, receiving stream unnamed tributary to Middle Creek. Renewal issued January 27, 1998.

**22970301. Dauphin Meadows, Inc.** (P. O. Box 68, Route 209, Millersburg, PA 17061), commencement, operation and restoration of a noncoal surface mine permit in Washington Township, **Dauphin County**, affecting 52.0 acres, receiving stream Wiconisco Creek. Issue date January 30, 1998.

*Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.*

*Small Noncoal Permits Issued*

**04972301. J. Ronald Hall** (745 McCleary Road, Hookstown, PA 15050). Permit issued for commencement, operation and reclamation of a general small noncoal mining site (topsoil and shale) located in Greene Township, **Beaver County**. Receiving streams: Upper Service Creek to Ambridge Reservoir. Application received: February 7, 1997. Permit issued: January 28, 1998.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

*General Small Noncoal Authorizations Granted*

**58970869. Alan C. Gage** (R. R. 1, Box 23A, Rushville, PA 18839), commencement, operation and restoration of a small bluestone quarry operation in Rush Township, **Susquehanna County** affecting 2.0 acres, receiving stream none. Authorization granted February 2, 1998.

**58970812. Mark G. Walworth** (R. R. 1, Box 90A, Hallstead, PA 18822), commencement, operation and restoration of a bluestone quarry operation in Liberty Township, **Susquehanna County** affecting 3.0 acres, receiving stream none. Authorization granted February 6, 1998.

**58970870. Fred T. and Vernice I. Kilmer** (R. R. 2, Box 2426, Nicholson, PA 18446), commencement, operation and restoration of a bluestone quarry in Liberty Township, **Susquehanna County** affecting 3.0 acres, receiving stream none. Authorization granted February 6, 1998.

**58970865. Meshoppen Stone, Inc.** (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a bluestone quarry operation in Auburn Township, **Susquehanna County** affecting 1.0 acre, receiving stream none. Authorization granted February 6, 1998.

**66970807. Meshoppen Stone, Inc.** (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a bluestone quarry operation in Meshoppen Township, **Wyoming County** affecting 3.0 acres, receiving stream none. Authorization granted February 6, 1998.

**Bureau of Deep Mine Safety**

The Bureau of Deep Mine Safety has approved a request for variance from **Maple Creek Mining, Inc.** The following notification contains a summary of this request. Complete copies of the variance request may be obtained from Matthew A. Bertovich by calling (724) 439-7304.

*Summary of the Request:* Maple Creek Mining has requested permission to have shelter hole intervals not in excess of 135 feet along the track haulage entries in all development areas of the Maple Creek Mine.

The basis for the Bureau's approval can be summarized in the following statements:

1. Crosscuts that will serve as shelter holes will be maintained free of obstructions and debris, other than normal roof to ground support, such as posts and/or cribs. Clearance will be maintained for a depth of at least 15 feet the entire width of the crosscut except where the posts and/or cribs are built. To provide access into the crosscut, at least one 4-foot minimum width opening will be provided between such cribs and/or posts.

2. Pedestrians will have the right-of-way on the track haulage. Vehicle operators will stop until the pedestrian has reached a shelter hole or has walked past.

3. Locomotives used to transport supplies or equipment must be of sufficient size (tonnage) to be able to stop their loads within a safe distance.

4. All vehicles will be operated at speeds which will allow quick and safe stops under prevailing track conditions.

5. Shelter holes will be maintained at all switch throws and doors unless a crosscut designated as a shelter hole is within 15 feet.

6. Supply cars and equipment shall be pulled by a locomotive in the direction of travel. When it is necessary to push nonpropelled (supply cars, and the like) track haulage equipment, it shall be done only from the last available track switch. Trip lights shall be used on the end that does not have a locomotive coupled.

7. Personnel working along track haulage roads will be provided with flashing or reflective warning devices which will be readily visible to approaching track-mounted vehicles. These devices will be placed not less than 50 feet from either end of the work site.

8. All personnel will be adequately trained and instructed concerning shelter hole procedures and safety precautions.

9. Signs will be posted at the entrance to the track haulageway where the variance is in effect that states "Extended Shelter Hole Intervals."

10. A copy of the approved variance will be posted on the mine bulletin board.

11. A means of identifying shelter hole locations shall be provided by means of a reflective indicator/marker that is visible from along the track haulage travelway. Markers shall be of standardized color and design.

This approval is limited to a variance from the distance requirements for shelter holes contained in section 268(b) of the Bituminous Coal Mine Act. All other terms and requirements of section 268 shall remain in effect. Continued authorization for operation under the approval is contingent upon compliance with the measures described in the approved plan.

**ACTIONS TAKEN UNDER SECTION  
401: FEDERAL WATER POLLUTION  
CONTROL ACT  
ENCROACHMENTS**

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are

also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a))** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

*Southeast Regional Office, Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E15-526.** Encroachment Permit. **Steven and Mary Chambers**, P. O. Box 31, Stowe, VT 05672. To perform the following activities as described as follows:

1. To operate and maintain two existing off-stream ponds which have impacted 0.42 acre of wetland (PEM).
2. To maintain approximately 320 feet of modified streambanks downstream of the existing minor road crossing along an unnamed tributary to the East Branch of Red Clay Creek (CWF).

These activities are located at 135 Center Mill Road approximately 1,700 feet northeast of the intersection of Center Mill Road and Burnt Mill Road (Kennett Square, PA-DE Quadrangle N: 15.1 inches; W: 2.15 inches) in Kennett Township, **Chester County**.

**E23-367.** Encroachment Permit. **Suburban Cable T.V. Company, Inc.**, 200 Cresson Boulevard, P. O. Box 989, Oaks, PA 19456-0989. To install and maintain approximately 2,026 feet of 6-inch conduit by directional drilling across the Delaware River (WWF-MF) and adjacent floodplain to facilitate the placement of a cable crossing for the Suburban Cable TV Company Inc. The cable crossing begins on the Philadelphia Electric Company (PECO) property situated just west of the point where Highland Avenue terminates at the Delaware River approximately 3,000 feet downstream of the Commodore Barry Bridge (Marcus Hook, PA-NJ-DEL USGS Quadrangle N: 13.8 inches; W: 1.5 inches) in the City of Chester, **Delaware County**.

*Northeast Regional Office, Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.*

**E.** Encroachment. **Mid-Valley Industrial Park, Inc.**, P. O. Box 560218, Charlotte, NC 28250. To place fill in a body of water having a surface area of 0.08 acre to construct a stormwater detention basin. The project is located south of Underwood Road and East Lackawanna Avenue in Mid-Valley Industrial Park (Olyphant, PA Quadrangle N: 14.3 inches; W: 11.8 inches) in Olyphant Borough, **Lackawanna County**.

*Northcentral Region, Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

**E49-214.** Encroachment. **Ralpho Township**, 30 South Market St., Elysburg, PA 17824. To replace the existing structure and to construct and maintain a 6-foot to 8-foot high by 120-foot long reinforced concrete or gabion basket retaining wall depressed 3 feet below the streambed of an unnamed tributary to Shamokin Creek (locally known as

Pocahontas Creek) near the intersection of Hickory and East Center Sts. (Shamokin, PA Quadrangle N: 21 inches; W: 6.9 inches) in the Village of Elysburg, Ralpho Township, **Northumberland County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

*Southwest Regional Office, Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E63-441.** Encroachment. **PA Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To remove existing structures, to construct and maintain an 8-span composite continuous curved steel plate girder bridge with a total span of 1,780 feet and underclearance of 172 feet across Pigeon Creek (WWF), to construct and maintain a multispan steel plate girder structure with a total span of 1,304 feet and underclearance of 178 feet across a tributary to Pigeon Creek (WWF), to construct and maintain a box culvert with a span of 12 feet and underclearance of 7 feet in a tributary to Pigeon Creek, to construct and maintain an 84 inch diameter culvert in a tributary to Pigeon Creek, and to relocate and maintain three tributaries to Pigeon Creek having a total length of 1,240 feet. The work is being done in conjunction with the construction of the Mon/Fayette Expressway (S. R. 0043), Construction Section 52E, consisting of a four lane limited access, divided toll highway. This construction section begins approximately 500 feet west of S. R. 0481 and ends approximately 1,000 feet west of Hazelkirk Valley Inn Road (Project starts at Monongahela, PA Quadrangle N: 9.8 inches; W: 9.5 inches), the project ends at N: 10.1 inches; W: 12.7 inches) in Carroll Township, **Washington County**. See the attached sheet for the location of the channel relocations, culverts and bridge locations.

*Northwest Regional Office, Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**E20-449.** Encroachment. **Canadohta Lake Park, Inc.**, 35765 Circuit Drive, Union City, PA 16438. To construct and maintain two dock structures in Canadohta Lake on the east side of the lake along Circuit Drive in Canadohta Lake Park approximately 0.25 mile west of Lake Road (Lake Canadohta, PA Quadrangle N: 11.1 inches; W: 11.2 inches) in Bloomfield Township, **Crawford County**.

Each structure will be T-shaped extending approximately 78 feet from shore with a total width of approximately 132 feet and will consist of 6-foot wide by 12-foot long floating sections anchored by steel pipes driven into the lake bed.

**E61-211.** Encroachment. **PA Department of Transportation**, 1140 Liberty Street, Franklin, PA 16323. To remove the existing Rynd Farm Bridge and to construct and maintain a prestressed concrete spread box beam bridge having two clear, normal spans of 98.6 feet and a minimum underclearance of 10.1 feet across Oil Creek on S. R. 0008, Segment 0520, Offset 1341 approximately 1 mile north of S. R. 227 in the Borough of Rouseville (Oil City, PA Quadrangle N: 19.5 inches; W: 9.5 inches) in Cornplanter Township, **Venango County**.

Project includes the temporary installation and maintenance of a causeway and coffer dam including six 48-inch diameter culverts and clean rock fill extending from the left (east) bank to mid-channel of Oil Creek.

## WATER ALLOCATIONS

**Actions taken on permits issued under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Southeast Regional Office, Sanitarian Regional Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

### *Change of Ownership*

**WA15-1(1574601).** Succession to Water Rights. The Department has acknowledged that **Philadelphia Suburban Water Company**, Lower Merion, **Montgomery County**, has given notice that it succeeded to all rights and obligations under the permit, issued to the former **West Chester Area Municipal Authority, Chester County** on January 23, 1998.

**WA-239D.** Succession to Water Rights. The Department has acknowledged that **Philadelphia Suburban Water Company**, Lower Merion, **Montgomery County**, has given notice that it succeeded to all rights and obligations under the permit, issued to the former **West Chester Area Municipal Authority, Chester County** on January 23, 1998.

## SPECIAL NOTICES

**Extension for 1996 Certified Host Municipality Inspector Reimbursement Applications under the Municipal Waste Planning, Recycling and Waste Reduction Act and the Hazardous Sites Cleanup Act**

The Department of Environmental Protection (Department) hereby announces an extension of the submission date for 1996 certified host municipality inspector program reimbursement applications. Reimbursements are available to municipalities under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) and the Hazardous Sites Cleanup Act (Act 108). Municipalities include cities, boroughs, incorporated towns, townships and home rule municipalities.

The deadlining for the submission of applications has been extended to 4 p.m. on March 31, 1998. Applications received by the Department after the deadline.

All reimbursements are allocated from the Recycling Fund authorized under Act 101 for municipal waste facilities or from the Hazardous Sites Cleanup Fund under Act 108 for hazardous waste facilities. Reimbursements from the funds are available to any municipality which has a municipal waste landfill, resource recovery or commercial hazardous waste storage, treatment and disposal facility located within its geographic borders. Upon application from any municipality, the Department shall award reimbursements for authorized costs incurred for the salary and expenses of certified host municipality inspectors. The reimbursement shall not exceed 50% of the approved costs of the inspector's salary and approved expenses. Reimbursement is available only for host municipality inspectors trained and certified by the Department.

Inquiries concerning this notice, including those by municipalities wishing to file an application, should be directed to David Harris, Department of Environmental Protection, Bureau of Land Recycling and Waste Manage-

ment, Rachel Carson State Office Building, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-9870.

[Pa.B. Doc. No. 98-306. Filed for public inspection February 20, 1998, 9:00 a.m.]

## Availability of Technical Guidance

Technical guidance documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "June 1997 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will be adding its revised documents to the Web throughout 1997.

### *Ordering Paper Copies of DEP Technical Guidance*

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Persons should check with the appropriate bureau for more information about the availability of a particular document as a publication.

### *Changes to Technical Guidance Documents*

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Jonathan Brightbill at (717) 783-8727.

### *Final Technical Guidance—Substantive Revision*

DEP ID: 381-5511-014 Title: Guidance on Utilization of Minority and Women's Business Enterprise Firms Description: Gives requirements for solicitation of Minority/Women's Business Enterprise firms to participate in the Clean Water and Drinking Water State Revolving Fund programs. Effective Date: December 1, 1997 Page Length: 38 pages Location: Vol 27, Tab 53 Contact: Joseph Hoffman at (717) 787-5017.

### *Final Technical Guidance—Minor Revision*

DEP ID: 383-2100-108 Title: DEP Permit Guide to Public Water Systems Description: Directs and supports implementation of permitting activities for public water systems under the drinking water management programs. Effective Date: February 1, 1998 Page Length: 25 pages Location: Vol 22, Tab 03 Contact: Joseph Hoffman at (717) 787-5017.

DEP ID: 383-3120-106 Title: Guidance for Filter Plant Performance Evaluation and Response Description: This guidance will apply to public water systems as defined under the Pennsylvania Safe Drinking Water Act. Effective Date: February 1, 1998 Page Length: 45 pages Location: Vol 20, Tab 04 Contact: Joseph Hoffman at (717) 787-5017.

DEP ID: 383-3130-106 Title: Guidance for Giardia Sampling & Response Description: This guidance will apply to public water systems as defined under the Pennsylvania Safe Drinking Water Act. Effective Date:

February 1, 1998 Page Length: 18 pages Location: Vol 20, Tab 05 Contact: Joseph Hoffman at (717) 787-5017.

*Notice of Intent to Develop New Guidance*

Title: Section 902 Recycling Grant Requirements Description: This guidance is necessary to clarify when section 1937-A of section 13 of Act 57 applies to municipalities applying for a section 902 recycling grant. Anticipated Draft Development Date: February 6, 1998 Anticipated Effective Date: May 1998 Contact: Josephine Valencia at (717) 787-9870.

Title: Compliance Strategy for Mushroom Composting Operations Description: Clarifies the exemption of commercial production, processing or storage of compost as pertaining to the Air Pollution Control Act and Solid Waste Management Act. Anticipated Draft Development Date: February 2, 1998 Anticipated Effective Date: March 2, 1998 Contact: Todd Wallace at (717) 783-5901.

*Notice of Intent to Rescind Technical Guidance*

DEP ID: 383-3000-107 Title: Lead and Copper Rule Compliance Issues Description: The information contained in this guidance is either outdated or it has been incorporated in other guidance documents. Anticipated Effective Date: February 10, 1998 Contact: Joseph Hoffman at (717) 787-5017.

DEP ID: 383-3000-109 Title: Understanding Compliance Reports Description: Guidance is considered to be obsolete with the system conversion actions for the new federal drinking water rules being as advanced as they are at this time. Anticipated Effective Date: February 10, 1998 Contact: Joseph Hoffman at (717) 787-5017.

DEP ID: 383-3310-509 Title: Customized Reports from MSIS Description: Guidance is considered to be obsolete with the system conversion actions for the new federal drinking water rules being as advanced as they are at this time. Anticipated Effective Date: February 10, 1998 Contact: Joseph Hoffman at (717) 787-5017.

DEP ID: 383-5500-313 Title: County Water Supply Planning/Wellhead Protection Grant Program Description: The information in this guidance is outdated and not applicable as the department is not accepting applications for Wellhead Protection Grants. Anticipated Effective Date: February 10, 1998 Contact: Joseph Hoffman at (717) 787-5017.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 98-307. Filed for public inspection February 20, 1998, 9:00 a.m.]

**Low-Level Waste Advisory Committee Meeting**

The next meeting of the Department of Environmental Protection's Low-Level Waste Advisory Committee (LLWAC) will be held on March 12, 1998.

The meeting will begin at 9 a.m., in the Green Room (Basement Level) of the Forum Building. Questions concerning the meeting should be addressed to Rich Janati at 1 (800) 232-2786 or e-mail at janati.rich@a1.dep.state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Chuck Rennard directly at (717) 787-2480 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 98-308. Filed for public inspection February 20, 1998, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### State Surplus Property Division

The Department of General Services, State Surplus Property Division is offering various types of used computer equipment for sale by sealed bids. We have a Unisys Mainframe Computer System, IBM 9027-001 and IBM 9021/821 Main Frame Computer Systems, a Tape Subsystem 3803/3420 and a Burroughs Tape Analyzer that is used to clean mainframe computer reel-type tapes.

Persons who have an interest in buying computer equipment and would like more information on the items listed above, write to the Department of General Services, State Surplus Property Division, 2221 Forster Street, P. O. Box 1365, Harrisburg, PA 17105, (717) 787-4085.

Note that the Commonwealth reserves the right to withdraw any or all items from this sale. Requests for information on this sale must be made prior to the bid opening of March 20, 1998.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 98-309. Filed for public inspection February 20, 1998, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The contractors referenced as follows have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-11—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), this firm or person, or any firms, corporations or partnerships in which the firm or person has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Plumb-Town, Inc., and Lawrence DiCicco (Fed. ER Tax I. D. No. 23-2494553)	237-41 Tasker St. P. O. Box 18095 Philadelphia, PA 19147	02/04/98

JOHNNY J. BUTLER,  
*Secretary*

[Pa.B. Doc. No. 98-310. Filed for public inspection February 20, 1998, 9:00 a.m.]

### Office of Vocational Rehabilitation; Public Meetings

The Department of Labor and Industry, Office of Vocational Rehabilitation, (OVR) under the Rehabilitation Act of 1973 as amended in 1992, announces a series of public meetings to be conducted throughout the Commonwealth. The purpose of the meetings is to provide individuals, advocates and other interested parties and/or organizations the opportunity to present their views and recommendations regarding vocational rehabilitation services for persons with disabilities. In Pennsylvania, those services are provided by OVR through a network of 15 District Offices and the Hiram G. Andrews Center.

OVR is required, under law, to develop and implement a State Plan and a Strategic Plan, both of which must be reviewed and, as necessary, revised annually. These Plans, currently in effect for the period 1998 through 2000, are compliance documents filed with the Commissioner, Rehabilitation Services Administration, United States Department of Education. Together they are the blueprints for provision of vocational rehabilitation services to persons with disabilities in the Commonwealth of Pennsylvania. Customer input received through this series of public meetings will be used to measure the effectiveness of Office of Vocational Rehabilitation's State and Strategic Plans and will form the basis upon which those Plans may be revised. Copies of Office of Vocational Rehabilitation's State and/or Strategic Plans are available upon request.

Testimony relevant to any aspect of vocational rehabilitation services for persons with disabilities is invited. Input focusing on customer awareness/understanding of OVR services, customer satisfaction with OVR services, and recommendations for improvements to OVR services will be particularly helpful.

All meeting sites are accessible and interpreters for people who are deaf or hard of hearing will be present at each public meeting. For additional information, reasonable accommodation requests, or alternative format requests please call the OVR District Office conducting the public meeting you wish to attend.

If an individual or organization is unable to attend the public meetings, but wishes to give testimony, written comments may be mailed to the appropriate District Office serving the area in which the individual/organization resides. Written comments should be submitted to that District Office by Friday, April 24, 1998.

A listing of OVR District Offices and the Hiram G. Andrews Center, their addresses and toll-free telephone numbers follows. The OVR public meetings are planned for the first 2 weeks of April, 1998. Persons/organizations wishing to obtain information regarding the specific time

and location of the meeting(s) in their area, copies of the OVR State and Strategic Plans, or other information regarding OVR services should contact the OVR District Office in their area.

Allentown OVR District Office (Carbon, Lehigh, Monroe and Northampton Counties)  
160 Hamilton Street, Suite 100  
Allentown, PA 18101  
1 (800) 922-9536 (Voice)  
1 (610) 821-6144 (TTY)

Altoona OVR District Office (Bedford, Blair, Centre, Fulton and Huntingdon Counties)  
1101 Green Avenue  
Altoona, PA 16601  
1 (800) 442-6343 (Voice)  
1 (814) 946-7240 (Voice and TTY)

DuBois OVR District Office (Cameron, Clearfield, Elk, Jefferson and McKean Counties)  
199 Beaver Drive  
DuBois, PA 15801  
1 (800) 922-4017 (Voice)  
1 (814) 371-7505 (TTY)

Erie OVR District Office (Clarion, Crawford, Erie, Forest, Mercer, Venango and Warren Counties)  
1600-C Peninsula Drive  
Erie, PA 16505  
1 (800) 541-0721 (Voice)  
1 (814) 871-4535 (TTY)

Harrisburg OVR District Office (Cumberland, Dauphin, Juniata, Lebanon, Mifflin and Perry Counties)  
2971-B N. Seventh Street  
Harrisburg, PA 17110  
1 (800) 442-6352 (Voice)  
1 (717) 787-4013 (TTY)

Johnstown OVR District Office (Cambria, Indiana, Somerset and Westmoreland Counties)  
Hiram G. Andrews Center  
727 Goucher Street  
Johnstown, PA 15905  
1 (800) 762-4223 (Voice)  
1 (814) 255-5510 (TTY)

New Castle OVR District Office (Armstrong, Beaver, Butler and Lawrence Counties)  
100 Margaret Street  
New Castle, PA 16101  
1 (800) 442-6379 (Voice)  
1 (724) 656-3252 (TTY)

Philadelphia OVR District Office (Philadelphia County)  
444 N. Third Street—Fifth Floor  
Philadelphia, PA 19123  
1 (800) 442-6381 (Voice)  
1 (215) 560-6144 (TTY)

Pittsburgh OVR District Office (Allegheny County)  
217 State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222  
1 (800) 442-6371 (Voice)  
1 (412) 392-5936 (TTY)

Reading OVR District Office (Berks and Schuylkill Counties)  
1090 Commons Blvd.  
Reading, PA 19605-3332  
1 (800) 442-0949 (Voice)  
1 (610) 378-4433 (TTY)

Rosemont OVR District Office (Bucks, Chester,  
Delaware and Montgomery Counties)  
1062 Lancaster Avenue  
Rosemont, PA 19010  
1 (800) 221-1042 (Voice)  
1 (610) 525-5835 (TTY)

Washington OVR District Office (Fayette, Greene  
and Washington Counties)  
201 W. Wheeling Street  
Washington, PA 15301  
1 (800) 442-6367 (Voice)  
1 (724) 223-4430 (TTY)

Wilkes-Barre OVR District Office (Bradford,  
Columbia, Lackawanna, Luzerne, Pike, Sullivan,  
Susquehanna, Wayne and Wyoming Counties)  
665 Carey Avenue  
P. O. Box 1105  
Wilkes Barre, PA 18773  
1 (800) 634-2060 (Voice)  
1 (717) 826-2023 (TTY)

Williamsport OVR District Office (Clinton, Lycoming,  
Montour, Northumberland, Potter, Snyder, Tioga  
and Union Counties)  
The Grit Building—Suite 102  
208 W. Third Street  
Williamsport, PA 17701-6410  
1 (800) 442-6359 (Voice)  
1 (717) 327-3620 (TTY)

York OVR District Office (Adams, Franklin,  
Lancaster and York Counties)  
2550 Kingston Road  
York, PA 17402-3792  
1 (800) 762-6306 (Voice)  
1 (717) 771-4433 (TTY)

The Hiram G. Andrews Center  
727 Goucher Street  
Johnstown, PA 15905  
1 (800) 762-4211 (Voice)  
1 (814) 255-8200 (Voice and TTY)

JOHN J. BUTLER,  
*Secretary*

[Pa.B. Doc. No. 98-311. Filed for public inspection February 20, 1998, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Public Notice of the Department's Intent to Establish a New Class of Disproportionate Share Payments

The purpose of this announcement is to provide prior public notice of the Department of Public Welfare's (Department) intent to establish a new class of disproportionate share payments effective March 1, 1998.

The Department intends to make this payment, in addition to the classes of payment already provided under the Medical Assistance Program, to those hospitals which

render uncompensated care and which the Department has determined are experiencing significant revenue loss as a result of Medical Assistance Program revisions under Act No. 1996-35.

The Department intends to consider a hospital eligible for these payments if:

- based on the Department's determination of GA/MNO discontinued eligibility, the hospital's annual net patient revenue loss exceeds \$3.2 million and the hospital received less than \$1.8 million in annual direct medical education payments in fiscal year 1996-97; or
- based on the Department's determination of GA/MNO discontinued eligibility, the hospital's annual net patient revenue loss exceeds \$3.2 million, the hospital received annual direct medical education payments of over \$1.8 million in FY 1996-97 and the hospital's loss of total annual Medical Assistance revenue is less than 15%; or
- based on the Department's determination of GA/MNO discontinued eligibility, the hospital's annual net patient revenue loss exceeds \$2.5 million with a percentage loss of net patient revenue exceeding 6%; or
- the hospital was eligible for disproportionate share as a rural hospital as defined under the Department's disproportionate share payment policy in calendar year 1997.

The Department will allocate \$10 million from the State General Fund for this additional class of disproportionate share payments. The payments will be made to qualifying hospitals based on their percentage of discontinued revenue to the total discontinued revenue of all qualifying hospitals. The payments to hospitals may not exceed the Commonwealth's aggregate annual disproportionate share allotment, and no hospital may receive disproportionate share payments in excess of its hospital-specific limit.

#### *Fiscal Impact*

For Fiscal Year 1997-98, the fiscal impact as a result of the disproportionate share payment will be \$21.45 million in total funds (\$10 million in State General funds and \$11.45 million in Federal funds).

#### *Contact Person*

A copy of this notice is available for review at local County Assistance Offices. Interested persons are invited to submit written comments to this notice within 30 days of this publication. These comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Persons who require an alternate format should contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTON,  
*Secretary*

**Fiscal Note:** 14-Not-165. (1) General Fund; (2) Implementing Year 1997-98 is \$10 million; (3) 1st Succeeding Year 1998-99 is \$10 million; 2nd Succeeding Year 1999-00 is \$10 million; 3rd Succeeding Year 2000-01 is \$10

million; 4th Succeeding Year 2001-02 is \$10 million; 5th Succeeding Year 2002-03 is \$10 million; (4) FY 1996-97 \$437 million; FY 1995-96 \$452 million; FY 1994-95 \$552 million; (7) Medical Assistance—Inpatient; (8) recommends adoption. The increased cost for this revision is included in the Department's budget.

[Pa.B. Doc. No. 98-312. Filed for public inspection February 20, 1998, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Tax-Free Million Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-1—3761-15), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Tax-Free Million.

2. *Price:* The price of a Pennsylvania Tax-Free Million instant lottery game ticket is \$5.00.

3. *Play Symbols:* Each Pennsylvania Tax-Free Million instant lottery game ticket will contain one play area featuring one "Winning Numbers" area and one "Your Numbers" area. The play symbols and their captions located in the "Winning Numbers" area and "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SNTN), 18 (EGTN), 19 (NINTN) and 20 (TWTY).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$5<sup>00</sup> (FIVE DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and MILLION (TAX-FREE).

5. *Prizes:* The prizes that can be won in this game are \$5, \$10, \$20, \$50, \$100, \$500, \$1,000, \$10,000 and \$1,000,000 Tax-Free. The player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 3,000,000 tickets will be printed for the Pennsylvania Tax-Free Million instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of MILLION (TAX-FREE) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,388,889. Tax-Free Million means that the Lottery will pay current applicable Federal

income tax as required by section 2607 of the Internal Revenue Code (26 U.S.C.A. § 2607), withholding on the gross prize amount so that the winner receives a net payment (after withholding) of \$1,000,000. The Lottery will be responsible only for Federal income tax withholding on the Tax-Free Million prize and shall not be responsible for any other taxes to which the winner may be subject.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$10,000 (TEN THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$1,000 (ONE THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$500 (FIV HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$10.00 (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$5.00 (FIVE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:



*Match Any of Your  
Numbers To Either  
Of The Winning  
Numbers, With  
Prize(s) Of:*

<i>Prize(s) Of:</i>	<i>Win</i>
\$5	\$5
\$5 x 2	\$10
\$10	\$10
\$5 x 4	\$20
\$5 x 2 + \$10	\$20
\$10 x 2	\$20
\$20	\$20
\$5 x 10	\$50
\$5 x 2 + \$20 x 2	\$50
\$5 x 8 + \$10	\$50
\$50	\$50
\$10 x 10	\$100
\$10 x 8 + \$20	\$100
\$50 x 2	\$100
\$100	\$100
\$50 x 10	\$500
\$500	\$500
\$1,000 x 10	\$10,000
\$10,000	\$10,000
\$1,388,889	\$1,388,889

<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,000,000 Tickets</i>
1:4.29	700,000
1:75	40,000
1:300	10,000
1:150	20,000
1:300	10,000
1:300	10,000
1:300	10,000
1:857.14	3,500
1:3,000	1,000
1:1,500	2,000
1:6,000	500
1:6,000	500
1:6,000	500
1:12,000	250
1:150,000	20
1:300,000	10
1:3,000,000	1
1:3,000,000	1
1:1,000,000	3

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Tax-Free Million instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Tax-Free Million, prize money from winning Pennsylvania Tax-Free Million instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Tax-Free Million instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—3761-15), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Tax-Free Million or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 98-313. Filed for public inspection February 20, 1998, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation under 71 P. S. 513(e)(7) intends to sell certain land owned by the Department.

A tract of unimproved land located in Towamencin Township, Montgomery County. The vacant land was formerly identified as owned by Wayne H. Robison et ux; along the South side of Reiff Road, Kulpsville, PA 19443. Said tract includes 39,796.76 sf more or less of parcel number 669 on the highway plan. The Department has determined that this land is no longer needed for present and future transportation needs. Appraised value is \$55,000.00.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 98-314. Filed for public inspection February 20, 1998, 9:00 a.m.]

### Retention of Engineering Firms Tioga County Project Reference No. 08430AG2160

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately eight (8) inspectors, under the Department's Inspector-in-Charge, for construction

inspection and documentation services for S. R. 6015, Section D53 (earthwork drainage, structures, concrete paving) and S. R. 6015, Section 53W, (wetlands), in Tioga County.

The two (2) projects will provide a new four-lane limited access highway in Tioga County from the top of Blossburg Mountain to north of Blossburg Borough, a distance of 6.5 miles. It will also include construction of a five (5) acre wetland on a site located approximately 30 miles from the project. The construction will take approximately three (3) years.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.

b. Number of available inspectors in each payroll classification.

c. Number of NICET certified inspectors in each payroll classification.

d. Review of inspectors' resumes with the emphasis on construction inspection, capabilities and specialized experience in the maintenance and protection of traffic, soils, structures, concrete/asphalt paving, drainage, wetlands, and CPM schedule usage.

e. Understanding of Department's requirements, policies, and specifications.

f. Past performance.

g. Workload.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1)	1 (1)
(NICET Highway Construction Level 4 or equivalent)	
Transportation Construction Insp. Super. (TCIS)	2 (2)
(NICET Highway Construction Level 3 or equivalent)	
Transportation Construction Inspector—Materials (TCI-Materials)	1 (1)
(NICET Highway Materials Level 2 or equivalent)	
Transportation Construction Inspector (TCI)	3 (2)
(NICET Highway Construction Level 2 or equivalent)	

#### *Classification*

*No. of Inspectors*

Technical Assistant (TA)  
(NICET Highway Construction Level 1 or equivalent)

1 (0)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.

2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1998:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCM-1)	\$44.93
(TCIS)	\$39.36
(TCI-Materials)	\$35.51
(TCI)	\$34.43
(TA)	\$23.67

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s). Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and/or TCIS posi-

tions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	3
TCI-M	2
TCI	4

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section) shall be sent to: Mr. Paul E. Heise, P.E., District Engineer, District 3-0, P. O. Box 218, Montoursville, PA 17754.

Any technical questions concerning the requirements for this project should be directed to Mr. Ron Springman, P.E., District 3-0, at (717) 368-4323.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Susquehanna County  
Project Reference No. 08430AG2161**

The Department of Transportation will retain an engineering firm to perform preliminary design work and environmental studies for S. R. 0011, Section 573, the replacement of the existing Great Bend Bridge, a 500 ft., three (3) span thru-truss bridge carrying S. R. 0011 over the Susquehanna River connecting Great Bend Township and Hallstead Borough. The estimated construction cost is \$6.3 million.

The Department intends to use the modified turn-key concept for this project. The Department will advertise for a contractor to complete the design and construct the project based on the approved conceptual design.

The selected firm will be required to define the line and grade sections, provide the conceptual design for the bridge; obtain all permits; perform utility coordination tasks; and provide project management.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting acceptable letters of interest:

- a. Ability to package and present the letter of interest in accordance with the "General Requirements and Information" section.
- b. Project team composition.
- c. Project team experience.
- d. Maintaining schedule and budget.
- e. Past performance.
- f. Current workload.

The District will announce the firms that have been shortlisted at an open public meeting scheduled for April 7, 1998, at 10:30 a.m., to be held at Engineering District 4-0, O'Neill Highway, Dunmore, Pennsylvania 18512.

All candidates who submit a letter of interest will be notified if this date is changed. Specify a contact person in the letter of interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. Robert J. Horutz, P.E., District Liaison Engineer, District 4-0, P. O. Box 111, Scranton, PA 18501.

Any technical questions concerning the requirements for this project should be directed to: Mr. Robert J. Horutz, P.E., Liaison Engineer, Engineering District 4-0, at (717) 963-4064.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**General Requirements and Information**

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest and required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to:

Mr. Charles W. Allwein, P.E., Chief  
Consultant Selection Committee  
7th Floor, Forum Place,  
555 Walnut Street  
P. O. Box 3060  
Harrisburg, Pennsylvania 17105-3060

Note: The Zip Code for express Mailing is 17101-1900

The Letter of Interest and required information must be received within twenty (20) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 p.m. prevailing time of the twentieth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual, firm, or corporate which is permitted under the state law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum

opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The Act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof.

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each Letter of Interest must include the following information and the information must be packaged and presented in the following order:

1. Transmittal Letter (Maximum of two (2) 8 1/2" x 11" typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm.

2. Project Organization Chart (one 8 1/2" x 11" page, one side)

This Chart must show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team).

The Standard Form 255 must be signed, dated, and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. Under Item 4 of this form, Column A must include the number of subconsultant personnel and Column B must include the number of prime consultant personnel to be assigned to work on this project reference number. The prime and each subconsultant may include no more than one page each for Items 10 and 11.

If a Disadvantage Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than one (1) year old as of the date of this advertisement, must accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the Letter of Interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These Forms must be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Form 255.

5. Workload Projection Graph (Not required for Construction Inspection Services)

Separate Workload Projection Graphs for the prime and each subconsultant shown in Item 6 of the Form 255 must be included and must indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graphs must be submitted for the office(s) where the work would be performed and must only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees must be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

A single page summary must indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Account must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2" x 11" pages or five (5) double sided 8 1/2" x 11" pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who

submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 98-315. Filed for public inspection February 20, 1998, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Rate Filing; The Pennland Insurance Company; Private Passenger Automobile Insurance

On February 3, 1998, the Insurance Department received from The Pennland Insurance Company a filing for a rate level and rules change for private passenger automobile insurance.

The company requests an overall 4.1% increase amounting to \$2.7 million annually, to be effective April 15, 1998, for new business and April 21, 1998 for renewals.

Unless formal administrative action is taken prior to April 4, 1998, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Nabila Audi, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-316. Filed for public inspection February 20, 1998, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, please call (717) 783-1530.

### Executive Board

Resolution # CB-97-343, Dated, (January 7, 1998). The Commonwealth of Pennsylvania entered into an interest arbitration award with the Fraternal Order of Police, Lodge # 85, Capitol/Airport Police. This award encompasses approximately 95 employees in a nonsupervisory unit certified by the Pennsylvania Labor Relations Board, PF-R-4-C.

Resolution # CB-97-345, Dated, (January 7, 1998). The Commonwealth of Pennsylvania entered into an interest arbitration award with the Pennsylvania State Park Officers' Association. This award encompasses approximately 187 employees in a nonsupervisory unit certified by the Pennsylvania Labor Relations Board, PF-R-85-E.

Resolution # CB-97-357, Dated, (January 22, 1998). An action of this Board, # CB-96-285, dated October 23, 1996, approved the Memorandum of Understanding between the Commonwealth of Pennsylvania and the Pennsylvania Social Services Union, affiliated with Service Employees International Union, AFL-CIO. As a result of labor management discussion between the Commonwealth and the union, affiliated with the service employees union, AFL-CIO, a letter of agreement has been signed to specify the payment of employees temporarily working out of classification in the Compensation Referee Unit.

### Governor's Office

Manual M315.1—Municipal Tax Rate Schedules—Revision No.4—Dated—November 3, 1997.

Administrative Circular No. 98-1—1998-99 Budget Hearing Materials—Dated—January 9, 1998.

GARY R. HOFFMAN,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 98-317. Filed for public inspection February 20, 1998, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Investigation Upon The Commission's Own Motion; I-00960052

Investigation into matters pertaining to maintenance, inspection and/or disposition of the rail-highway crossing (AAR 592 867 B) carrying Sterling Street over and above-the-grade of the tracks of Southeastern Pennsylvania Transportation Authority in Newtown Borough, Bucks County.

An initial hearing on this matter will be held Thursday, April 2, 1998, at 10 a.m. in an available hearing room, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interests may appear and be heard, if they so desire.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-318. Filed for public inspection February 20, 1998, 9:00 a.m.]

## Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before March 16, 1998, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

### **Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00114593, Folder 2. Majestic Limousine Service, Inc.** (444 North Main Street, Doylestown, Bucks County, PA 18901), a corporation of the Commonwealth of Pennsylvania—additional right—persons, in limousine service, between points in the borough of Doylestown, Bucks County, and within an airline distance of 20 statute miles of the limits of said borough, and from points in said territory, to points in Pennsylvania, and return. *Attorney:* Michael Stachel, 444 North Main Street, Doylestown, PA 18901.

### **Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00113539, Folder 1, Am-A. White Transit School Buses, Inc.** (239 Old River Road, P. O. Box 1007, Wilkes-Barre, Luzerne County, PA 18702), a corporation of the Commonwealth of Pennsylvania—persons in group and party service from the boroughs of Laflin, West Pittston, Dupont, Avoca, Hughestown and Duryea, and the townships of Jenkins and Pittston, Luzerne County, to points in Pennsylvania beyond 25 miles by the usually traveled highways of the point of origin: *so as to permit* the transportation of groups and parties of persons: (1) from the city of Scranton, the boroughs of Olyphant, Dickson City, Throop, Dunmore, Old Forge, Taylor and Moosic, and the village of Minooka, Lackawanna County, to various points and places in Pennsylvania; (2) from the boroughs of Clarks Summit and Dalton, and the township of LaPlume, South Abington and Newton, Lackawanna County, and the borough of Factoryville, Wyoming County, to points and places in Pennsylvania; (3) from the city of Carbondale, Lackawanna County, and the boroughs of Forest City, Susquehanna County, Vandling, Jermyn, Archbald, Winton, Blakely, Lackawanna County, and the villages of Simpson, Richmondale, Mayfield, Lackawanna County, Waymart, Prompton, Wayne County, Clifford and Dundaff, Susquehanna County, to various points and places in Pennsylvania; and (4) between points in the counties of Lackawanna, Monroe, Pike, Susquehanna and Wyoming, and from points in said counties, to points in Pennsylvania; subject to the following condition: that no right, power or privilege is granted to perform service in school bus-type vehicles from the borough of Clarks Green and the townships of Benton, Greenfield, Scott, Abington,

North Abington, West Abington and Glenburn, Lackawanna County; which is to be a transfer of all of the rights authorized under the certificate issued at A-00089839, F. 2 and F. 2, Am-D to Price Bus Company, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. *Attorney:* Scott A. Gould, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166.

### **Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer as described under each application.**

**A-00099590, Folder 1, Am-A. Richard J. Bosinec, t/a Richie's Transfer** (5887 Logan Lane, Natrona Heights, Allegheny County, PA 15065-9801)—household goods, in use, from points in the boroughs of Brackenridge and Tarentum, the village of Natrona, and the townships of East Deer and Frazer, Allegheny County, to points within 10 miles, by the usually traveled highways, of the limits of said area, and vice versa; *so as to permit* the transportation of: (1) household goods in use, between points in the borough of Vandergrift, Westmoreland County, and within 15 miles by the usually traveled highways of the limits of the said borough; (2) household goods in use from the borough of Vandergrift, Westmoreland County, to other points in Pennsylvania, and vice versa; and (3) property, excluding household goods in use, between points in Pennsylvania; which is to be a transfer of all of the rights issued under the certificate at A-00093425 to John C. Wallace, t/a Wallace Moving and Storage, subject to the same limitations and conditions. *Attorney:* David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh, PA 15219-3427.

**A-00086452, Folder 2, Am-G. The Snyder Brothers Moving, Inc., t/a George Transportation Company** (729 New Castle Street, Zelienople, Butler County, PA 16063), a corporation of the Commonwealth of Pennsylvania—inter alia—transport household goods in use between points in the borough of McKees Rocks, Allegheny County, and within 25 miles by the usually traveled highways of the limits of the said borough: *so as to permit* the transportation of: (1) household goods in use between points in the city of Altoona, Blair County, and within 10 miles by the usually traveled highways of the limits of the said city; and (2) household goods in use from points in the city of Altoona, Blair County, and within 10 miles by the usually traveled highways of the limits of said city, to other points in Pennsylvania, and vice versa; which is to be a transfer of part of the rights authorized under the certificate issued at A-00075561, F. 2 to Drenning Delivery System, Inc., subject to the same limitations and conditions. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

### **Motor Carrier Applications— Property, Excluding Household Goods in Use**

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before March 9, 1998.

- A-00114625 Shawn Pulver, t/a Shawn Pulver Hauling & Snow Plowing Service  
211 Nuangola Road, Mountaintop, PA 18707; David Harris, 15 Public Square, Wilkes-Barre, PA 18702
- A-00114640 Philip L. Weaver  
45 Lesal Road, Gordonville, PA 17529
- A-00114641 Sterrett Associates, Inc.  
1297 Kelsall Road, Unionville, PA 19375; James W. Patterson, Sual Ewing Remick & Saul, LLP, 1500 Market Street, 38th Flr., Centre Square West, Philadelphia, 19102-2188
- A-00114642 Robert A. Kollar, t/a Robert A. Kollar Hauling  
753 Bristol Pike, Bensalem, PA 19020
- A-00114643 Phila. D.C. Express, Inc.  
3301 S. Galloway Street, Room 253, Philadelphia, PA 19148
- A-00114644 Glen Weaver  
R. D. 2, Box 2193, Fleetwood, PA 19522
- A-00114647 F. R. Hutchinson, t/a Ritchey's Towing Service  
114 Vine Street, Harrisburg, PA 17104
- A-00114649 DPR&R Enterprises, Inc.  
P. O. Box 226, Frankfort, NY 13340; Lee Armstrong, P. O. Box 226, Frankfort, NY 13340
- A-00114653 Hall's Excavating, Inc.  
2414 McCartney Road, Cocranon, PA 16314; Dearold W. Shuffstall, 201 Arch Street, Suite 200, Meadville, PA 16335-3432
- A-00114654 Sechrist Auto Transport, Inc.  
121 Green Springs Road, Hanover, PA 17331; James Yingst, 40 York Street, Hanover, PA 17331
- A-00114655 Erich G. Bair  
P. O. Box 6068, Harrisburg, PA 17112
- A-00114656 Kenneth J. Buchanan, t/a Freedom Express  
11 Railroad Street, Glen Lyon, PA 18617

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Sheila's Delivery Service, Inc.; Doc. No. A-00110505C9701*

### Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. In response to the Federal Authorization Aviation Act of 1994, which, inter alia, amended the Interstate Commerce Act at 49 U.S.C. §§ 14501(c) and 41713(b), this Commission on December 20, 1994, issued an order at P-00940884 which set forth new application procedures for motor carriers of property. The order directed that former contract carriers of property would be deemed to be common carriers of property. As common carriers of property, they were now required to file evidence of cargo insurance with this Commission, as required by 52 Pa. Code § 32.13, in addition to bodily injury and property damage insurance, as required by 52 Pa. Code § 32.12.

2. That by virtue of the Commission's order at Docket No. P-00940884, Sheila's Delivery Service, Inc., respondent, which has its principal place of business at 827B Woodlyn Avenue, Sharon Hill, PA 19079, who held contract carrier authority at Docket No. A-00110505, was deemed to now hold common carrier authority.

3. The Commission, by letter dated November 8, 1996, directed the respondent, to file acceptable evidence of cargo insurance.

4. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512 and 52 Pa. Code Chapter 32, respondent is required to maintain evidence of current insurance on file with this Commission.

5. That respondent has failed to maintain evidence of cargo insurance, in violation of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code § 32.13.

6. That as a result of failure to maintain evidence of current cargo insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Commission revoke respondent's certificate of public convenience or order such other remedy as the Commission may deem to be appropriate.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience held by Sheila's Delivery Service, Inc. at Docket No. A-00110505, for failure to maintain current evidence of insurance on file with the Commission or order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

JOSEPH W. FARRELL  
Director, Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### Verification

I, Joseph W. Farrell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

JOSEPH W. FARRELL

Date: \_\_\_\_\_

### Notice to Plead

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments

that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (10) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. H. P. Delivery Service, Inc.; Doc. No. A-00109837C97*

### Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That H. P. Delivery Service, Inc., respondent, maintains a principal place of business at 7276 Penn Drive, Bath, PA 18014.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00109837.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of cargo insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Commission revoke respondent's certificate of public convenience or order such other remedy as the Commission may deem to be appropriate.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience held by H. P. Delivery Service, Inc. at Docket No. A-00109837, for failure to maintain current evidence of insurance on file with the Commission or order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Joseph W. Farrell  
Director, Bureau of Transportation  
and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### Verification

I, Joseph W. Farrell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

JOSEPH W. FARRELL

### Notice to Plead

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (10) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.



*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Rieder Transportation Co., Inc.; Doc. No. A-00107367C9701*

### Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. In response to the Federal Authorization Aviation Act of 1994, which, inter alia, amended the Interstate Commerce Act at 49 U.S.C. §§ 14501(c) and 41713(b), this Commission on December 20, 1994, issued an order at P-00940884 which set forth new application procedures for motor carriers of property. The order directed that former contract carriers of property would be deemed to be common carriers of property. As common carriers of property, they were now required to file evidence of cargo insurance with this Commission, as required by 52 Pa. Code § 32.13, in addition to bodily injury and property damage insurance, as required by 52 Pa. Code § 32.12.

2. That by virtue of the Commission's order at Docket No. P-00940884, Rieder Transportation Co., Inc., respondent, which has its principal place of business at 214 Orlando Avenue, Gloucester City, NJ 08030, who held contract carrier authority at Docket No. A-00107367, was deemed to now hold common carrier authority.

3. The Commission, by letter dated November 8, 1996, directed the respondent, to file acceptable evidence of cargo insurance.

4. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512 and 52 Pa. Code Chapter 32, respondent is required to maintain evidence of current insurance on file with this Commission.

5. That respondent has failed to maintain evidence of cargo insurance, in violation of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code § 32.13.

6. That as a result of failure to maintain evidence of current cargo insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Commission revoke respondent's certificate of public convenience or order such other remedy as the Commission may deem to be appropriate.

**WHEREFORE**, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience held by Rieder Transportation Co., Inc. at Docket No. A-00107367, for failure to maintain current evidence of insurance on file with the Commission or order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Joseph W. Farrell  
Director, Bureau of Transportation  
and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### Verification

I, Joseph W. Farrell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

JOSEPH W. FARRELL

Date: \_\_\_\_\_

### Notice to Plead

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (10) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

JAMES J. McNULTY,  
Secretary

[Pa.B. Doc. No. 98-319. Filed for public inspection February 20, 1998, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School

Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

March 4, 1998	Jerilyn Smereczniak (Purchase of Service)	1 p.m.
March 18, 1998	Pamela Becker (Multiple Service) Charles Miskar (D) (Payment of Death Benefit)	1 p.m.  2:30 p.m.

Persons with a disability who wish to attend the above-listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Arthur J. Granito, Assistant Executive Director, at (717) 783-5613 to discuss how the Public School Employees' Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1, (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

JAMES A. PERRY,  
*Secretary*

[Pa.B. Doc. No. 98-320. Filed for public inspection February 20, 1998, 9:00 a.m.]

## TURNPIKE COMMISSION

### Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated for the following contract:

**Contract No. 98-014-RQ13**—Northern Gateway Enhancement Project for comprehensive site landscape installations along the Northeast Extension (I-476) between M. P. A-103.25 and M. P. A-110.00 northbound and southbound on the PA Turnpike in Lackawanna Co., PA

*Bid Opening Date*—March 19, 1998, 11 a.m.

*Bid Surety*—5%

Plans, Specifications and Contract documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment of \$25 per set (Do not add State tax) by check or P. O. Money Order (no cash) payable to the Pennsylvania Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for a listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-321. Filed for public inspection February 20, 1998, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employees and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
Location: Harrisburg, Pa.  
Duration: 12/1/93-12/30/93  
Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦  
(For Commodities: Contact:)  
Vendor Services Section  
717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, *"Frequently Asked Questions About State Contracts,"* explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury  
Room G13 Finance Building  
Harrisburg, PA 17120  
717-787-2990  
1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

### Commodities

**3830-01** Annual Contract—Cutting edges for plows and grades (DOT).  
**Department:** Transportation  
**Location:** Various  
**Duration:** 06/01—05/31  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**5850-02** Annual Contract—LAN services.  
**Department:** Various  
**Location:** Various  
**Duration:** 01/01—12/31  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**6515-17** Annual Contract—Syringes and needles.  
**Department:** Various  
**Location:** Various  
**Duration:** 06/01—05/31  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**6530-08** Annual Contract—Ostomy supplies.  
**Department:** Various  
**Location:** Various  
**Duration:** 06/01—05/31  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**7110-06** Annual Contract—Furniture, systems and computer.  
**Department:** Various  
**Location:** Various  
**Duration:** 06/01—05/31  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**7510-07** Annual Contract—Folders, file (WH).

**Department:** General Services  
**Location:** Dauphin County, PA  
**Duration:** 06/01—05/31  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1678117** Communication equipment—Equipment and parts (only) to establish a black and white closed circuit television system at the State Correctional Institution at Dallas. Installation of system will be done by institution personnel; equipment to be as specified or approved equal.

**Department:** Corrections  
**Location:** Dallas, Luzerne County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1637047** Medical, dental and vet equipment and supplies—1 system high performance—high throughput—high sensitivity Lc/MS/MS system, Micromas, Inc. products or approved equal.

**Department:** Agriculture  
**Location:** West Chester, Chester County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1733237** Paper and printing—25M white Tyvek 18 lb. opened end, self seal flap, size 6" x 9".

**Department:** Game Commission  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1447117** Plumbing, heating and sanitation equipment—44 each Acorn Air Trol Valves, Part No. M3383MAZ, no substitution.

**Department:** Corrections  
**Location:** Pittsburgh, Allegheny County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1651117** Security fence—1 each fence intrusion detection system, Micronet 750 Perimeter Security System or approved equal.

**Department:** Corrections  
**Location:** Cambridge Springs, Crawford County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1597117** Steam plant and drying equipment—1 project coal bunker gates contractor to provide all safety and mechanical means necessary to furnish and install 2 each simplex gates; Larry operated 16" x 16" coal bunkers.

**Department:** Corrections  
**Location:** Muncy, Lycoming County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

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# SERVICES

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## Advertising—01

**MTF-0136** Cheyney University is seeking proposals from qualified firms to provide services in the areas of writing and research, publication design and printing supervision for the University's brochures and booklets. To request RFP fax to: Antonia Williams, (610) 399-2360. All responsible firms within 50 miles of the University (including MBE/WBEs) are invited to participate.

**Department:** State System of Higher Education  
**Location:** Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19319-0200  
**Duration:** 8 months  
**Contact:** Antonia Williams, Contract Administrator, (610) 399-2360

**MTF-0137** Cheyney University is seeking proposals from qualified firms to provide services to advance the institution by assessing and quantifying corporate public opinion about the university, its academic standing and community involvement. To request RFP package fax to: Antonia Williams, (610) 399-2128. All responsible firms within 50 miles of the University (including MBE/WBEs) are invited to participate.

**Department:** State System of Higher Education  
**Location:** Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19319-0200  
**Duration:** 1 year  
**Contact:** Antonia Williams, Contract Administrator, (610) 399-2360

## Agricultural Services—02

**1015** Vendor will supply spray application of chemicals for the following crops: field corn, sweet corn, soybeans, peas, tomatoes and green wax beans. Approximately 4,000 acres.

**Department:** Corrections  
**Location:** CI/State Correctional Institution Rockview, Box 1200, Route 26, Bellefonte, PA 16823  
**Duration:** 2 months  
**Contact:** MaryAnn Ulrich, (717) 731-7134

**CH-280** The contractor shall provide veterinary services as needed to horses at the State Correctional Institution at Camp Hill, PA.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** April 1, 1998—June 30, 2000  
**Contact:** Delores Stephens, (717) 975-5200

**CH-281** The contractor shall provide farrier services on an as needed basis for horses and emergency call as needed at the State Correctional Institution at Camp Hill.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** April 1, 1998—June 30, 2000  
**Contact:** Delores Stephens, (717) 975-5200

**PGC-2567** The equivalent of Game Bird (pheasant) Starter Feed (180 tons) pellet size 5/32, together with the following additions; bulk delivery: pneumatic blower unloading. Delivery in 8—24 ton lots. Crumbles—no whole pellets and 0% on a 10 mesh screen. Medication added to the feed as requested—Amprolium 0.0175% (252 lbs.) and Stress Plus Vitamin Pack at 1 lb./ton (60 lbs.). Feed and medication quantities are estimates only, the actual amounts ordered may be greater or lesser than the estimated quantity. Payment will be made only for the amount actually ordered. To be in strict accordance with attached PA Game Commission Formula. The Game Commission reserves the right to cancel the purchase order if the vendor fails to comply with specifications. Bids will be opened at 11 a.m., March 11, 1998, at the PA Game Commission, Bureau of Administration, Division of Procurement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

**Department:** Game Commission  
**Location:** Bureau of Wildlife Management, Southwest Game Farm, R. D. 1, Box 51-A, New Bethlehem, PA 16242  
**Duration:** May 1, 1998—August 25, 1998  
**Contact:** Robert Hodge, Superintendent, (814) 275-2509

**PGC-2568** The equivalent of Game Bird (pheasant) Starter Feed (168 tons) pellet size 5/32, together with the following additions; bulk delivery: pneumatic blower unloading. Delivery in 12—20 ton lots. Crumbles—no whole pellets and 0% on a 10 mesh screen. Medication added to the feed as requested—Amprolium 0.0175% (140 lbs.) and Stress Plus Vitamin Pack at 1 lb./ton (168 lbs.). Feed and medication quantities are estimates only, the actual amounts ordered may be greater or lesser than the estimated quantity. Payment will be made only for the amount actually ordered. To be in strict accordance with attached PA Game Commission Formula. The Game Commission reserves the right to cancel the purchase order if the vendor fails to comply with specifications. Bids will be opened at 11 a.m., March 10, 1998, at the PA Game Commission, Bureau of Administration, Division of Procurement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

**Department:** Game Commission  
**Location:** Bureau of Wildlife Management, Northcentral Game Farm, HC-31, Box 335, Williamsport, PA 17701  
**Duration:** April 15, 1998—August 15, 1998  
**Contact:** Bruce Guinter, Superintendent, (717) 478-2527

**PGC-2569** The equivalent of Game Bird (pheasant) Starter Feed (180 tons) pellet size 5/32, together with the following additions; bulk delivery: pneumatic blower unloading. Delivery in 8—24 ton lots. Mash—bagged in 100 lb. bags, delivered in lots of 1,200 lbs.; Crumbles—no whole pellets and 0% on a 10 mesh screen. Medication added to the feed as requested—Amprolium 0.0175% (252 lbs.) and Stress Plus Vitamin Pack at 1 lb./ton (60 lbs.). Feed and medication quantities are estimates only, the actual amounts ordered may be greater or lesser than the estimated quantity. Payment will be made only for the amount actually ordered. To be in strict accordance with attached PA Game Commission Formula. The Game Commission reserves the right to cancel the purchase order if the vendor fails to comply with specifications. Bids will be opened at 11 a.m., March 9, 1998, at the PA Game Commission, Bureau of Administration, Division of Procurement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

**Department:** Game Commission  
**Location:** Bureau of Wildlife Management, Loyalsock Game Farm, R. D. 2, Box 803, Montoursville, PA 17754  
**Duration:** April 15, 1998—July 31, 1998  
**Contact:** C. Clair Souter, Superintendent, (717) 435-2043

**PGC-2570** The equivalent of Game Bird (pheasant) Starter Feed (220 tons) pellet size 5/32, together with the following additions; bulk delivery: pneumatic blower unloading. Delivery in 8—24 ton lots as requested by the Game Farm Superintendent. Mash (4 tons) bagged in 100 lb. bags, delivered in lots of 8,000 lbs.; Crumbles—no whole pellets and 0% on a 10 mesh screen. Medication added to the feed as requested—Amprolium 0.0175% (308 lbs.) and Stress Plus Vitamin Pack at 1 lb./ton (60 lbs.). Feed and medication quantities are estimates only, the actual amounts ordered may be greater or lesser than the estimated quantity. Payment will be made only for the amount actually ordered. To be in strict accordance with attached PA Game Commission Formula. The Game Commission reserves the right to cancel the purchase order if the vendor fails to comply with specifications. Bids will be opened at 11 a.m., March 12, 1998, at the PA Game Commission, Bureau of Administration, Division of Procurement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

**Department:** Game Commission  
**Location:** Bureau of Wildlife Management, Western Game Farm, 25761 Highway 408, Cambridge Springs, PA 16403  
**Duration:** May 1, 1998—July 15, 1998  
**Contact:** Larry Mears, Superintendent, (814) 398-2271

## Audio/Video—04

**Inquiry No. 30226** Repair Audio Video Equipment. Service Purchase Contract for repairs of audio and video equipment at Western Center. Facility will require service on televisions, VCR players, AM-FM radios/stereos, video cameras, outside antennas and PA system during contract period. Interested vendors to contact facility for details.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Road, Canonsburg, PA 15317  
**Duration:** July 1, 1998—June 30, 2000  
**Contact:** Ginny Stinespring, Purchasing Agent I, (724) 873-3256

**205618** Vendor to provide three cell phones and cellular phone service for the South West Secure Treatment Unit located in Torrance, PA. Call the YDC New Castle purchasing department for specifications for service, (412) 656-7310.

**Department:** Public Welfare  
**Location:** Youth Development Center, R. R. 6, Box 21A, New Castle, PA 16101  
**Duration:** July 1, 1998 through June 30, 2001  
**Contact:** Thomas E. Mateja, Purchasing Agent, (412) 656-7310

**CRE-0220** The contractor shall provide repair services to NEC NEAX 2400 telephone system, to include all moves, changes, adds and deletes to existing system, providing all parts, supplies, labor for repairs to system. Contractor must be a certified NEC service center and provide proof at institution's request. Bid proposal on file in agency's purchasing department.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630  
**Duration:** July 1, 1998—June 30, 2001  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 885-8181, Ext. 166

**MTF-0138** Cheyney University is seeking proposals from qualified firms to provide services in the areas of script writing and video production. To request RFP package, fax to: Antonia Williams, (610) 399-2360. All responsible firms within 50 miles of the University (including MBE/WBES) are invited to participate.

**Department:** State System of Higher Education  
**Location:** Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19319  
**Duration:** 1 year  
**Contact:** Antonia Williams, Contract Administrator, (610) 399-2360

**WC 680** West Chester University is soliciting sealed bids for Disaster Recovery Program which will consist of the provision and installation of one 72-strand fiber optic cable (FOC) and one 96-strand FOC, distances of approximately 1,050 feet and 910 feet, respectively. The cables are to be installed in existing ducts and attached to the exterior of a building. Innerduct is required. The work also includes tipping, termination and testing of the cables and documentation of the work. Prevailing wages apply. Performance and payments bond will be required. A site visit will be held at 8:30 a.m. on March 4, 1998, meeting at the warehouse located at 821 S. Matlack St. The bids are due and will be publicly opened at 11 a.m. on March 17, 1998.

**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester, PA 19383  
**Duration:** 30 calendar days from Notice to Proceed  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

## Construction—09

**DGS A 251-281** Project title: New Fuel Facility. Brief description: Removal and replacement of underground/above ground storage tanks and dispenser island, fuel truck pad and site modifications as part of a fuel facility upgrade. Install new circuits and equipment for power distribution and lighting. Electrical and UST/AST construction. Plans deposit: \$65 per set. Payable to: Environmental Design & Construction, Inc. Refundable within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Environmental Design & Construction, Inc., 823 Walnut Street, P. O. Box 211, Hollidaysburg, PA 16648, (814) 696-8709. Bid date: Wednesday, March 4, 1998 at 11 a.m. A prebid conference has been scheduled for Thursday, February 19, 1998 at 10 a.m. at the PennDOT Maintenance Building in the Conference Room, Erie, Erie County, PA. Contact: Robert Haney, (814) 696-8709. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** PennDOT Maintenance Building, Erie, Erie County, PA  
**Duration:** 115 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 251-487 (Rebid)** Project title: Salt Storage Building. Brief description: Provide a complete salt storage building (44' X 77', four-bay); concrete; floor; bay walls; wood siding; shingle roof and the like. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, March 18, 1998 at 2 p.m.

**Department:** General Services  
**Location:** PennDOT Maintenance District 2-2, Stockpile Site No. 20, Decatur Township, Jeffries, Clearfield County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 251-480** Project title: Window Replacement. Brief description: Remove and install new windows first floor; remove and install new windows, doors and hardware of the main entrance enclosure. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, March 25, 1998 at 1 p.m.

**Department:** General Services  
**Location:** Transportation District 4-0 Building, Dunmore, Lackawanna County, PA  
**Duration:** 180 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 251-488 (Rebid)** Project title: Salt Storage Building. Brief description: Provide a complete salt storage building, (44' X 77' four-bay); concrete; floor; bay walls, wood siding, shingle roof and the like. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, March 18, 1998 at 2 p.m.

**Department:** General Services  
**Location:** PennDOT Maintenance District 2-5, Stockpile Site No. 13, Keating Township, McKean County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 251-489 (Rebid)** Project title: Salt Storage Building. Brief description: Provide a complete salt storage building, (44' X 77' four-bay); concrete; floor; bay walls, wood siding, shingle roof and the like. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, March 18, 1998 at 2 p.m.

**Department:** General Services  
**Location:** PennDOT Maintenance District 2-6, Stockpile Site No. 06, Galeton, Potter County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 251-490 (Rebid)** Project title: Salt Storage Building. Brief description: Provide a complete salt storage building, (44' X 77' four-bay); concrete; floor, bay walls, wood siding, shingle roof and the like. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, March 18, 1998 at 2 p.m.

**Department:** General Services  
**Location:** PennDOT Maintenance District 2-8, Stockpile Site No. 10, Johnsonburg, Elk County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 251-491 (Rebid)** Project title: Salt Storage Building. Brief description: Provide a complete salt storage building, (44' X 77' four-bay); concrete; floor, bay walls, wood siding, shingle roof and the like. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, March 18, 1998 at 2 p.m.

**Department:** General Services  
**Location:** PennDOT Maintenance District 2-9, Stockpile Site No. 01, Mifflintown, Juniata County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 948-37 Phase 3** Project title: Expansion of Central Air Conditioning System to Main Capitol Complex. Brief description: Installation of new chilled water distribution systems in the main Capitol Building. Areas include Centerwing East Entrosol and Second Floors, Centerwing West First Floors and Third Floors, North Wing and Hyphen Fifth Floor and Loft, House and Senate Chambers and miscellaneous work at the Capitol Complex Central Plant. Heating, ventilating and air conditioning construction. Plans deposit: \$85 per set. Payable to: Gannett Fleming, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Gannett Fleming, Inc., P. O. Box 67100, Harrisburg, PA 17106-7100, (717) 763-7211. Bid date: Wednesday, March 18, 1998 at 2 p.m. A prebid conference has been scheduled for the subject project on Monday, March 2, 1998 at 3:30 p.m. in the Department of General Services Corporate Board Room, Arsenal Building, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Frank Ruth, (717) 763-7211. All contractors who have secured plans and specifications are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Main Capitol Building, Harrisburg, Dauphin County, PA  
**Duration:** 520 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Contract No. FDC-226-413** Erosion and sedimentation control measures; clearing and grubbing; excavation (60 c.y.); backfill (35 c.y.); riprap slope protection (60 s.y.); nonshrink grout (4 s.f.); reinforced concrete (26 c.y.); and provide and install pedestrian bridge. All work is at Pymatuning State Park.

**Department:** Conservation and Natural Resources  
**Location:** South and West Shenango Townships, Crawford County, PA  
**Duration:** 120 days  
**Contact:** Construction Management Section, (717) 787-5055

**FM No. 08779704** Contractor to supply all labor, tools, equipment, scaffolding, building materials and appurtenances to furnish and install new concrete sidewalks and repair loading dock at residence No. 1 of the Ebensburg Center.

**Department:** Public Welfare  
**Location:** Ebensburg Center, Route 22 West, P. O. Box 600, Ebensburg, Cambria County, PA 15931  
**Duration:** 150 days from effective date of contract  
**Contact:** Cora Davis, Purchasing Agent I, (814) 472-0288

**SP 257166** Services required for the rehabilitation of the pit toilet at the public launch ramp located at Neshaminy State Park/Marina.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of State Parks, Neshaminy State Park, 3401 State Road, Bensalem, Bucks County, PA 19020  
**Duration:** Upon execution through June 30, 1998  
**Contact:** Richard W. Eberle, Park Manager, (215) 244-6304

**SP-341260** Work included under this contract consists of the removal of existing culverts and replacing with high density corrugated polyethylene pipe, installing new inlets and paving road.

**Department:** Conservation and Natural Resources  
**Location:** State Parks Region No. 3, Kings Gap Environmental Education Center, 500 Kings Gap Road, Carlisle, PA 17013-9306  
**Duration:** Completion time—90 days after Notice to Proceed  
**Contact:** Ken Kozak, (814) 733-9123

## Court Reporting—10

**SP367039** Provide stenographic services for the Bureau of Hearings and Appeals—located in Reading, PA. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 625 Cherry Street, 4th Floor, Reading, PA 19602  
**Duration:** July 01, 1998—June 30, 2001 with two additional 1-year renewals  
**Contact:** Lori Vessella, (717) 783-9281

**SP367040** Provide stenographic services for the Bureau of Hearings and Appeals—located in Harrisburg, PA. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 1401 North 7th Street, 6th Floor, P. O. Box 2675, Harrisburg, PA 17105-2675  
**Duration:** July 01, 1998—June 30, 2001 with two additional 1-year renewals  
**Contact:** Lori Vessella, (717) 783-9281

## Elevator Maintenance—13

**Inquiry No. 8973** Repair services to elevators and chair lifts.

**Department:** Public Welfare  
**Location:** FOB State Agency, Selinsgrove Center, Selinsgrove, Snyder County, PA 17870  
**Duration:** July 1, 1998 to June 30, 2003  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

## Engineering Services—14

**08430AG2160** Retain an engineering firm to provide supplementary construction inspection staff of approximately eight inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services for S. R. 6015, Section D53 and S. R. 6015, Section 53W in Tioga County.

**Department:** Transportation  
**Location:** Engineering District 3-0  
**Duration:** Thirty-six (36) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2161** To provide for preliminary design work and environmental studies for S. R. 0011, Section 573, the replacement of the existing Great Bend Bridge, over the Susquehanna River, connecting Great Bend Township and Hallstead Borough, Susquehanna County.

**Department:** Transportation  
**Location:** Engineering District 4-0  
**Duration:** Twelve (12) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

## Environmental Maintenance Services—15

**BF 397-101.1** Abandoned Mine Land Reclamation involves an estimated 17,300 c. y. of grading, 8.5 acres of seeding and 12 inch thick cover, and gravel/refuse bar removal.

**Department:** Environmental Protection  
**Location:** Portage Township, Cambria County, PA  
**Duration:** 210 days after Notice to Proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**BF 419-101.1** Abandoned Mine Land Reclamation, Greenbriar Associates involves an estimated 86,300 c. y. of grading, 590 s. y. of rock lining w/filter material and 24.5 acres of seeding.

**Department:** Environmental Protection  
**Location:** Beccaria Township, Clearfield County, PA  
**Duration:** 210 days after Notice to Proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**HSCP 03-016-101.1** Soil Remediation, F. E. Cooper Site involves waste disposal of 250 tons of demolition debris, 200 tons of nonhazardous debris, 100 tons of hazardous debris, 50,000 c. y. of soil excavation and backfilling, 75,000 tons of thermal desorption soil treatment with condensation of offgases, 250 tons each of post excavating sampling, Rock Lining 1,500 tons of R-5 rock and 500 tons of FS-2 filter stone, 1,800 l. f. of chain link fence and 5 acres of revegetation. A mandatory prebid conference is scheduled for March 10, 1998 at 9 a.m., local time, at the Hopewell Area Seniors Center located at the intersection of Route 915 and Mifflin Street, Hopewell, PA, (814) 928-5111; failure to attend the prebid conference will be cause for rejection of the bid.

**Department:** Environmental Protection  
**Location:** Broad Top Township, Bedford County, PA  
**Duration:** 550 days after Notice to Proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**OSM 02(4738)101.1** Abandoned Mine Reclamation, Mustard, involves approximately 650 tons of coarse aggregate and 200 bags of Portland cement for mine seal construction and 1.3 acres of seeding. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$20.1 million for Pennsylvania's 1998 AML Grant.

**Department:** Environmental Protection  
**Location:** Elizabeth Township, Allegheny County, PA  
**Duration:** 90 days after Notice to Proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**OSM 40(1354)101.1** Backfilling Strip Pits and Openings, Old Boston involves clearing and grubbing, backfilling, grading an estimated 30,440 c. y., 16 acres of seeding and 200 l. f. of pipe installation. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$20.4 million for Pennsylvania's 1997 AML Grant.

**Department:** Environmental Protection  
**Location:** Jenkins Township, Luzerne County, PA  
**Duration:** 140 days after Notice to Proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**OSM 54(1540)102.1** Backfilling Strip Pits, South End Tamaqua involves clearing and grubbing, backfilling, grading an estimated 508,690 c. y., 212,700 c. y. rock excavation and 30.6 acres of seeding. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$20.4 million for Pennsylvania's 1997 AML Grant.

**Department:** Environmental Protection  
**Location:** Walker Township and Tamaqua Borough, Schuylkill County, PA  
**Duration:** 760 days after Notice to Proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

## Extermination Services—16

**01-98** Pest control services. Details can be obtained from the Purchasing Department.

**Department:** Public Welfare  
**Location:** White Haven Center, White Haven, Luzerne County, PA 18661  
**Duration:** May 1, 1998—April 30, 2003  
**Contact:** Sandra A. Repak, Purchasing Agent, (717) 443-4232

**Inquiry No. 8975** Pest control services.

**Department:** Public Welfare  
**Location:** FOB State Agency, Selinsgrove Center, Selinsgrove, Snyder County, PA 17870  
**Duration:** July 1, 1998 to June 30, 2003  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

## Food—19

**02-98** Vending machines, furnish and install. Details can be obtained from the Purchasing Department.

**Department:** Public Welfare  
**Location:** White Haven Center, White Haven, Luzerne County, PA 18661  
**Duration:** July 1, 1998—June 30, 2003  
**Contact:** Sandra A. Repak, Purchasing Agent, (717) 443-4232

**1016** Post Mix, soda syrup, to be furnished in Bag-In-A-Box type containers. 5 gallons to a container. To be regular and diet flavors. CO<sub>2</sub>, 50 lb. tanks with plastic collars to be included in bid to be compatible with the permanently installed dispenser system at the State Correctional Institution in Frackville, PA. Deliveries to be made FOB Storeroom as required and requested for the period July 1, 1998 to June 30, 2001.

**Department:** Corrections  
**Location:** State Correctional Institution at Frackville, 1111 Altamont Boulevard, Frackville, PA 17931  
**Duration:** July 1, 1998 to June 30, 2001  
**Contact:** Mary Lou Neverosky, Purchasing Agent, (717) 874-4516

**LH-F067** Fresh fruits and vegetables—listing of specific commodities can be obtained by contacting institution for bid packet prior to solicitation. Estimated quantities and delivery dates to be determined and based on institution's population projection at time bid is issued. Bids will be issued monthly.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** July 01, 1998 to June 30, 1999  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366

**LH-F068** Frozen vegetables—broccoli spears; cauliflower; French fried potatoes; baby lima beans; chopped spinach; various frozen vegetable mixes and any other vegetable items that may be required for this period. Bids will be on a quarterly basis or as needed with quantities and delivery dates to be determined by the institution. Products will be frozen and USDA Grade A or better and must be of U. S. origin. Bid on file at institution prior to solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** July 01, 1998 to June 30, 1999  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366

**LH-F069** Frozen convenience foods—waffles; frozen square; stromboli; turkey pot pie and any other products that may be required for this period. Bids will be on a quarterly basis or as needed. Quantities and delivery dates to be determined by the institution. Bid on file at institution prior to solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** July 01, 1998 to June 30, 1999  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366

**LH-F070** Meats—All beef jumbo bologna; frankfurters, all beef; beef liver, whole, frozen (skinned and deveined); beef sandwich steaks, wafer sliced; meatballs beef, 1 oz. portions and to include any other beef or pork products that may be needed for this period. To be bid monthly with quantities and delivery dates to be determined by the institution. Bid on file prior to solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** July 01, 1998 to June 30, 1999  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366

**LH-F071** Cheese—shredded mozzarella and provolone cheese blend; American yellow cheese; provolone cheese, round logs; Swiss cheese suitable for slicing and to include any other cheese items that are needed for this period. No cheese substitutes. Quantities are to be bid quarterly or as needed. Quantities and deliveries to be determined by the institution. Bid on file at institution prior to solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** July 01, 1998 to June 30, 1999  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366



**LH-F072** Margarine—bid proposals will be issued quarterly or as needed. Delivery of products specified shall be made monthly. Products must not contain any animal fats. Bid on file at institution prior to solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** July 01, 1998 to June 30, 1999  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366

**LH-F073** Miscellaneous products—if not available from State contracts as follows: canned sauces and related items; waffles; pizza shells; salad dressings; tacos; taco seasoning; baking soda; yeast; extracts; juices; cereals; noodles; soup bases/bouillon; gelatins; edible oil and fats; condiments and any other items as required. To be bid quarterly or as needed with monthly deliveries or as needed. Bid on file at institution prior to solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** July 01, 1998 to June 30, 1999  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366

**LH-F074** Ice cream and related products—to be bid quarterly or as needed. Product must not contain pork or pork by-products. Bid on file at institution prior to solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** July 01, 1998 to June 30, 1999  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366

**LH-F075** Dairy and related products—to be bid on quarterly basis or as needed. Delivery to be made weekly (minimum). Delivery dates and quantities will be specified. Bid on file at institution prior to solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** July 01, 1998 to June 30, 1999  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366

**LH-F076** Fish and seafood products—to be bid quarterly or as needed. Delivery to be made once per month or as needed. Bid on file at institution prior to solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** July 01, 1998 to June 30, 1999  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366

**LH-F077** Flour—various all purpose, whole wheat, cake blend, and the like, in 50 lb. and 100 lb. bags. To be bid as required with monthly deliveries. Bid on file at institution prior to solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** July 01, 1998 to June 30, 1999  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366

**LH-F078** Dry beans—various types: baby limas, blackeyed peas, pinto beans and other related items as required if not on State contract. To be bid quarterly or monthly if required with monthly deliveries. Bid on file at institution prior to solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** July 01, 1998 to June 30, 1999  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366

**LH-F079** Frozen eggs: product to be bid quarterly or as needed. Delivery to be made once per month or as needed. Bid on file at institution prior to solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** July 01, 1998 to June 30, 1999  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366

**LH-F080** Bread, rolls and related products—to consist of the following but may include any other items that may be required during this period: sliced white bread; rye bread loaves; Italian bread; hamburger rolls; frankfurter rolls; hoagie/sub rolls; fruit filled rolls; various types of doughnuts. Delivery dates and quantities will be specified prior to each month's delivery. Bid on file at institution.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** July 01, 1998 to June 30, 1999  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366

**LH-F081** Poultry/poultry products—specified turkey roasts; chicken leg quarters; chicken patties breaded; chicken diced; turkey ham and to include any other poultry products that may be required for this period. To be bid quarterly or as needed with quantities and delivery dates to be determined by the institution. Bids will be on file at institution prior to solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** July 01, 1998 to June 30, 1999  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 445-6501, Ext. 366

**Inquiry 97-36** Provide milk and dairy products to the Department of Public Welfare for a 12-month period beginning July 1, 1998. Copies of the bid proposal can be obtained by contacting the directors office.

**Department:** Public Welfare  
**Location:** Each Department of Public Welfare location  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Michael T. Matsko, (717) 787-7070

## Hazardous Material Services—21

**WC 676** West Chester University of Pennsylvania is soliciting sealed bids for the removal and disposal of contaminated (petroleum) soil. The University expects to award an Open-Ended Contract for a 1-year period with two 2-year options for renewal. Individual work orders will be issued against the Open-Ended Contract as the need for work arises. Work orders will not exceed \$25,000 each, and the yearly total will not exceed \$100,000. Throughout the duration of the contract, the contractor must be a PA DEP Certified Inspection Company, and employ personnel who possess at least two of the following categories of PA DEP certifications listed in 25 Pa. Code §§ 245.110 and 245.112: UMX; UMR; IUM. Certified personnel must be employed by the prime contractor. To insure responsiveness of firms and in the best interest of the University, it is necessary that the prime and all subcontractors be located within 50 driveable miles of the university. The university shall use "tripquest" located at <http://www.mapquest.com> to determine the miles.

**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester, PA 19383  
**Duration:** 1 year with two 2-year options for renewal  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

## HVAC—22

**Inquiry No. 8972** Repairs to A.T.C. compressors.

**Department:** Public Welfare  
**Location:** FOB State Agency, Selinsgrove Center, Selinsgrove, Snyder County, PA 17870  
**Duration:** July 1, 1998 to June 30, 2003  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**Project No. 091-107** Project title: Installation of onsite sewage system. Project description: Install septic tank and sand mound type absorption field; cut existing concrete floor, install piping; install and connect toilet, sink and water heater.

**Department:** Game Commission  
**Location:** State Game Land No. 091, Bear Creek Township, Luzerne County, PA  
**Duration:** 45 days after issuance of contract  
**Contact:** Engineering and Contract Management Division, (717) 787-9620

**120R-014** Provide plumbing repair and 24-hour emergency plumbing repair services as needed at the Washington County Welcome Center according to specifications.

**Department:** Transportation  
**Location:** Washington County Welcome Center, 170 East Bound near Claysville (Exit 2)  
**Duration:** One year with two 2-year renewals  
**Contact:** Michael D. Maurer, (412) 439-7374

**IN-761** Mack, Stewart and Turnbull Halls Heating Renovations. Complete alterations and additions to the heating system, including automatic controls, and control of existing domestic water heating system. Notice to contractors may be requested from IUP. Phone: (412) 357-2289; Fax: (412) 357-6480; Internet: <http://www.iup.edu/phyfac>.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705  
**Duration:** Six (6) months  
**Contact:** Ronald E. Wolf, Procurement Specialist, (412) 357-4851

**Janitorial Services—23**

**1020** Janitorial service for Butler County Maintenance Building No. 048-5762.

**Department:** Transportation  
**Location:** Maintenance District 10-2, 351 New Castle Road, Butler, Butler County, PA 16001  
**Duration:** July 14, 1998 to July 13, 1999  
**Contact:** Andrew A. Skunda, (724) 284-8226

**SP 320568** Sealed bids will be received at Regional Park Office No. 2, 195 Park Road, P. O. Box 387, Prospect, PA 16052-0387 until 2 p.m. prevailing time and then publicly opened and read. A bid opening date has not yet been set. For janitorial services at Regional Park Office No. 2, a bid proposal containing all pertinent information must be obtained from the office of the Regional Park Manager.

**Department:** Conservation and Natural Resources  
**Location:** Regional Park Office No. 2, P. O. Box 387, 195 Park Road, Prospect, PA 16052-0387  
**Duration:** July 1, 1998 to June 30, 2001  
**Contact:** Regional Park Office No. 2, (724) 865-2131

**Mailing Services—28**

**BOWC-2-98** Bulk mailing service: to provide overnight delivery of packages to various locations within Pennsylvania. Detailed specifications obtained upon request.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, Various locations within Pennsylvania  
**Duration:** July 1, 1998 through June 30, 2000  
**Contact:** Jane C. Williams, (717) 783-5421, Ext. 618

**Medical Services—29**

**03-98** Physical therapy services. Details can be obtained from the Purchasing Department.

**Department:** Public Welfare  
**Location:** White Haven Center, White Haven, Luzerne County, PA 18661  
**Duration:** April 1, 1998—March 31, 2003  
**Contact:** Sandra A. Repak, Purchasing Agent, (717) 443-4232

**04-98** Psychiatric services. Details can be obtained from the Purchasing Department.

**Department:** Public Welfare  
**Location:** White Haven Center, White Haven, Luzerne County, PA 18661  
**Duration:** April 1, 1998—March 31, 2003  
**Contact:** Sandra A. Repak, Purchasing Agent, (717) 443-4232

**1017** The contractor shall provide outpatient psychological care services on grounds for inmates at the State Correctional Institution, 1111 Altamont Boulevard, Frackville, Schuylkill County, PA.

**Department:** Corrections  
**Location:** State Correctional Institution at Frackville, 1111 Altamont Boulevard, Frackville, PA 17931  
**Duration:** July 1, 1998—June 30, 2001  
**Contact:** Mary Lou Neverosky, Purchasing Agent, (717) 874-4516

**Inquiry No. 8974** Medical examination of facility employees performing asbestos abatement work.

**Department:** Public Welfare  
**Location:** FOB State Agency, Selinsgrove Center, Selinsgrove, Snyder County, PA 17870  
**Duration:** July 1, 1998 to June 30, 2003  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**Inquiry No. 8976** Oral surgery, restorative service and extractions.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, Selinsgrove, Snyder County, PA 17870  
**Duration:** July 1, 1998 to June 30, 2003  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**WC-8312** Contractor shall provide neurological consultations and interpretations as required and set forth in the bid proposal for Western Center. Although services are for the Western Center, the bid proposal package can be obtained from the Purchasing Office of the Ebensburg Center.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Road, Canonsburg, PA 15317  
**Duration:** July 01, 1998 through June 30, 2000  
**Contact:** Cora Davis, Purchasing Agent I, (814) 472-0288

**Property Maintenance—33**

**120R-013** Roadside mowing of Department maintained State Routes south of SR 0030 in Westmoreland County. All mowing will be performed according to contract specifications. This contract will be renewable for 2-year periods for a total of two renewals.

**Department:** Transportation  
**Location:** District 1200, Westmoreland County South SR 0030  
**Duration:** 1 year with two 2-year renewals total 5 years  
**Contact:** Michael D. Maurer, (412) 439-7374

**23-6003029** Provide services to remove all trees and brush 100 feet down slope from the toe of Kyle Lake, Jefferson County, PA leaving the area in a bush hog mowable condition. All stumps will be cut or ground to a flush or below ground level. Any depressions deeper than 6" will be filled to the surface with clean crushed stone. All logs become the property of the contractor and shall be removed from the property. All brush, limbs and twigs will be run through a chipper and spread on the ground. The contractor will use Best Management Practice for Logging. Trees to be removed will be marked at the start of work.

**Department:** Fish and Boat Commission  
**Location:** Kyle Lake, Jefferson County, PA  
**Duration:** April through June, 1998  
**Contact:** Kathi Tibbott, Purchasing Agent, (814) 359-5131

**23-6003029A** Provide services to remove all trees and brush 100 feet down slope from the toe of Hunters Lake Dam, Sullivan County, PA leaving the area in a bush hog mowable condition. All stumps will be cut or ground to a flush or below ground level. Any depressions deeper than 6" will be filled to the surface with clean crushed stone. All logs become the property of the contractor and shall be removed from the property. All brush, limbs and twigs will be run through a chipper and spread on the ground. The contractor will use Best Management Practice for Logging. Trees to be removed will be marked at the start of work.

**Department:** Fish and Boat Commission  
**Location:** Hunter Lake, Sullivan County, PA  
**Duration:** April through June, 1998  
**Contact:** Kathi Tibbott, Purchasing Agent, (814) 359-5131

**FM No. 08779707** Contractor to supply all labor, scaffolding, tools, materials, equipment and appurtenances to repair/replace portion of roof, residence No. 1 of the Ebensburg Center.

**Department:** Public Welfare  
**Location:** Ebensburg Center, Route 22 West, P. O. Box 600, Ebensburg, Cambria County, PA 15931  
**Duration:** 104 days from effective date of contract  
**Contact:** Cora Davis, Purchasing Agent I, (814) 472-0288

**MR 0800-47** Mowing and landscape maintenance at Rest Area sites 45 and 46 located along I-81 North and Southbound, Cumberland County, Penn Township. All requests for bid packages must be received by fax at (717) 772-0975 (Attn: Bill Tyson) or telephone (717) 787-7600, 7:30 a.m. to 3:30 p.m. Monday through Friday (Roadside Mowing Group MR 0800-47).

**Department:** Transportation  
**Location:** Rest Area Sites 45 and 46, I-81 North and Southbound, Penn Township, Cumberland County, PA  
**Duration:** Two years with one, 2-year renewal  
**Contact:** William Tyson, (717) 787-7600

**Real Estate Services—35**

**51A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Public School Employees' Retirement System with 2,566 useable square feet of new or existing office space, in Pittsburgh, Allegheny County, PA within the following boundaries: North: Route 41, Warrington Avenue, Arlington Avenue; South: Route 22/30 (I-376); East: Route 51 and/or Truck Route 19; West: Handler Street. Proposals due: April 13, 1998. Solicitation No.: 92628.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17105  
**Duration:** Indeterminate 1997-98  
**Contact:** Cynthia T. Lentz, (717) 787-4394

**52A** State Owned Property for Sale Commonwealth of Pennsylvania. The Department of General Services will accept sealed bids for the purchase of a land parcel, located in Swatara Township, Dauphin County, PA. Persons wishing to make a bid should request a bid packet prior to March 4, 1998. Parcel is 3.44 acres. Solicitation No. 52.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17120  
**Duration:** Indeterminate 1997-98  
**Contact:** Lloyd D. Colegrove, (717) 772-0536

**030-0290** The Department will be accepting bids on real estate appraisals of properties affected by the improvement of TR 15 in Tioga County and TR 14 in Bradford County. All appraisers must be generally certified and on the PennDOT Pre-Qualified List as of February 5, 1998. Appraisal Reports must meet accepted appraisal standards and PennDOT format.

**Department:** Transportation  
**Location:** District 3-0, 715 Jordan Avenue, P. O. Box 218, Montoursville, PA 17754  
**Duration:** 90 days  
**Contact:** Dale Smith, (717) 368-4318

**Sanitation—36**

**98-2** The contractor shall supply all labor and equipment to collect and dispose of trash refuse from the State Correctional Institution at Waymart. This refuse will not contain any medical or hazardous waste materials.

**Department:** Corrections  
**Location:** State Correctional Institution Waymart, P. O. Box 256, Waymart, Canaan Township, Wayne County, PA 18472-0256  
**Duration:** July 1, 1998 to June 30, 2001  
**Contact:** Jerome M. Lewis, Business Manager, (717) 488-2504

**98-3** The contractor will provide services to pick-up, remove and dispose of liquid sludge waste from the Waymart Institution to an approved disposal site. The contractor will furnish various equipment to assist the institution with this sludge removal. The institution will have the option for a 2-year renewal clause on this agreement.

**Department:** Corrections  
**Location:** State Correctional Institution Waymart, P. O. Box 256, Waymart, Canaan Township, Wayne County, PA 18472-0256  
**Duration:** July 1, 1998 to June 30, 2001  
**Contact:** Jerome M. Lewis, Business Manager, (717) 488-5811

**SPC 311283** Removal of solid waste from Ole Bull State Park. Bid documents will be available at Ole Bull State Park Office, HCR 62, Box 9, Cross Fork, PA 17729. Bids will be opened March 10, 1998 at 2 p.m. prevailing time. Phone number at Ole Bull is (814) 435-5000.

**Department:** Conservation and Natural Resources  
**Location:** Ole Bull State Park, HCR 62, Box 9, Cross Fork, PA 17729  
**Duration:** 3 years: April 1, 1998—March 31, 2001  
**Contact:** Mary B. Herrold, (717) 923-6004

**Security Services—37**

**030** Provide preventive maintenance and 24-hour monitoring for Radionics Alpha II Security Systems and Radionics fire alarm systems installed in the Visitor Center/Memorial Building, Thompson-Neely House and Bowman's Hill Tower at Washington Crossing Historic Park, one 3-year period.

**Department:** Historical and Museum Commission  
**Location:** Washington Crossing Historic Park, P. O. Box 103, 1112 River Road, Washington Crossing, PA 18977  
**Duration:** One, two or three years  
**Contact:** Eric F. Castle, Historic Site Administrator, (215) 493-4076

**Vehicle, Heavy Equipment—38**

**SO-153** The State Correctional Institution at Somerset will be bidding a contract for repair and repair parts required for electric motors. The anticipated contract will cover a 3-year period.

**Department:** Corrections  
**Location:** State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001  
**Duration:** July 1, 1998 through June 30, 2001  
**Contact:** Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

**SP 364050** The PA Department of Corrections is seeking bids to supply repair and sharpening service to saw blades, router bits, dado sets, profile knives, shaper knives, and the like.

**Department:** Corrections  
**Location:** Correctional Industries, C. I. Wood Furniture Plant, State Correctional Institution Coal Township, 1 Kelley Drive, Coal Township, PA 17866  
**Duration:** July 1, 1998 to June 30, 2001  
**Contact:** Joseph P. Kanjorski, (717) 773-2158, Ext. 560

**Miscellaneous—39**

**98-1** The contractor shall provide professional funeral services to the State Correctional Institution at Waymart. The institution will have the option for a 2-year renewal clause on this agreement.

**Department:** Corrections  
**Location:** State Correctional Institution Waymart, P. O. Box 256, Route 6, Waymart, Canaan Township, Wayne County, PA 18472-0256  
**Duration:** July 1, 1998 to June 30, 2001  
**Contact:** Jerome M. Lewis, Business Manager, (717) 488-2504

**98-01** The Department of Corrections is seeking proposals for social services for inmates ages 55 and older. This service will assist inmates in adjusting to institutional life and preparing for their return to society.

**Department:** Corrections  
**Location:** 2520 Lisburn Road, Camp Hill, PA 17011  
**Duration:** 1—3 years  
**Contact:** Suzanne Malhenzie, Bureau of Administration, (717) 975-4973

**Inquiry No. 8970** Water testing and analysis reports.

**Department:** Public Welfare  
**Location:** FOB State Agency, Selinsgrove Center, Selinsgrove, Snyder County, PA 17870  
**Duration:** July 1, 1998 to June 30, 2003  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**010332** This contract is for qualified individuals or firms to develop methodologies for and to perform translocation of freshwater mussels including two Federally endangered species. The Northern Riffleshell (*Epioblasma torulosa rangiana*) and the Clubshell (*Pleurobema clava*). The work will be performed at three sites spanning the Allegheny River in Northwestern PA, two sites in Venango County and one site in Forest County. Individuals or firms responding to this advertisement will be required to document their ability to perform the required services and must be preapproved by the United States Fish and Wildlife Service. All bid package requests must be received by fax, (814) 437-4446.

**Department:** Transportation  
**Location:** I-0, Venango and Forest Counties, PA  
**Duration:** One year with two 1-year renewals  
**Contact:** Amy Judson-Burak, (814) 437-4202

**ME No. 718243** The Pennsylvania Lottery is planning to issue an RFP for a public accounting or certified public accounting firm to observe and certify the nightly televised Lottery Games drawings, off-air Finalist drawings and ball certifications. The current contract expires June 30, 1998.

**Department:** Revenue  
**Location:** Pennsylvania Lottery, 2850 Turnpike Industrial Drive, Middletown, PA 17057  
**Duration:** Three years  
**Contact:** Ray Straub, (717) 986-4771

**2-2-00030** Perform minor body repairs, sandblast and paint cabs, beds and frames on approximately eight Department of Transportation crew cabs. Entire vehicle shall be primed and painted using zinc chromate primer and acrylic enamel paint supplied by the contractor. It is suggested that the contractor shall visit the site to evaluate trucks before bidding. Successful bidder must pickup and deliver to and from location.

**Department:** Transportation  
**Location:** District 0220, P. O. Box 245, Corner of Washington Avenue and Hall Street, Hyde, PA 16843-0245  
**Duration:** May 01, 1998 through December 31, 1998  
**Contact:** Debbie Swank, (814) 765-0524

**2-2-00031** Perform minor body repairs, sandblast and paint cabs, beds and frames (excluding end-gates) on approximately five dump trucks. Entire vehicle shall be primed and painted using zinc chromate primer and acrylic enamel paint supplied by the contractor. It is suggested that the contractor shall visit the site to evaluate trucks before bidding. Successful bidder must pickup and deliver to and from location.

**Department:** Transportation  
**Location:** District 0220, P. O. Box 245, Corner of Washington Avenue and Hall Street, Hyde, PA 16843-0245  
**Duration:** May 01, 1998 through December 31, 1998  
**Contact:** Debbie Swank, (814) 765-0524

**SP367041** Provide interpreter services (all languages except Spanish) for the Bureau of Hearings and Appeals—located in Wilkes-Barre, PA. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 111 North Pennsylvania Avenue, Room 222, Wilkes-Barre, PA 18701  
**Duration:** July 01, 1998—June 30, 2001 with two additional 1-year renewals  
**Contact:** Lori Vessella, (717) 783-9281

**SP367042** Provide interpreter services (all languages except Spanish) for the Bureau of Hearings and Appeals—located in Reading, PA. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 625 Cherry Street, 4th Floor, Reading, PA 19602  
**Duration:** July 01, 1998—June 30, 2001 with two additional 1-year renewals  
**Contact:** Lori Vessella, (717) 783-9281

**SP367043** Provide interpreter services (all languages) for the Bureau of Hearings and Appeals—located in Pittsburgh, PA. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 717 Liberty Avenue, 10th Floor, Pittsburgh, PA 15222  
**Duration:** July 01, 1998—June 30, 2001 with two additional 1-year renewals  
**Contact:** Lori Vessella, (717) 783-9281

**SP367044** Provide interpreter services (all languages except Spanish) for the Bureau of Hearings and Appeals—located in Philadelphia, PA. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 1400 Spring Garden Street, Room 1608, Philadelphia State Office Building, Philadelphia, PA 19130  
**Duration:** July 01, 1998—June 30, 2001 with two additional 1-year renewals  
**Contact:** Lori Vessella, (717) 783-9281

**SP367045** Provide interpreter services (all languages except Spanish) for the Bureau of Hearings and Appeals—located in Harrisburg, PA. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 1401 North 7th Street, 6th Floor, P. O. Box 2675, Harrisburg, PA 17105-2675  
**Duration:** July 01, 1998—June 30, 2001 with two additional 1-year renewals  
**Contact:** Lori Vessella, (717) 783-9281

**SP367046** Provide interpreter services (all languages) for the Bureau of Hearings and Appeals—located in Erie, PA. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 448 West 11th Street, Erie, PA 16501-1501  
**Duration:** July 01, 1998—June 30, 2001 with two additional 1-year renewals  
**Contact:** Lori Vessella, (717) 783-9281

[Pa.B. Doc. No. 98-322. Filed for public inspection February 20, 1998, 9:00 a.m.]

## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1329357-02	02/09/98	Chemical Environmental Consulting	13,010.00
1411307-01	02/09/98	Keystone Electric Company	105,750.00
1455207-01	02/09/98	Digital Biometrics, Inc.	45,390.00
1493117-01	02/09/98	Todd Devin Food Equipment	16,194.00
1494117-01	02/09/98	Todd Devin Food Equipment	19,940.00
1580207-01	02/09/98	Moore Business Forms, Inc.	6,799.50
5610-15	02/10/98	PBS Coals, Inc.	5,000.00
5610-15	02/10/98	Milestone Materials, Inc./ Lake Ariel	5,000.00
5610-15	02/10/98	Milestone Crushed, Inc.	5,000.00
5610-15	02/10/98	Milestone Materials, Inc./ Downingtown	15,870.00
5610-15	02/10/98	Milestown Materials, Inc./ Bloomsburg	32,625.00
5610-15	02/10/98	Milestone Materials, Inc./ Montoursville	83,774.00
5610-15	02/10/98	P Stone, Inc.	18,417.50
5610-15	02/10/98	Milestone Materials, Inc./ Stroudsburg	5,000.00
5610-15	02/10/98	P & P Gravel	11,048.00
5610-15	02/10/98	Medusa Aggregates Co.	5,000.00
5610-15	02/10/98	Jamico Minerals	5,000.00
5610-15	02/10/98	New Milford Sand and Gravel, Inc.	27,100.00
5610-15	02/10/98	New Enterprise Stone and Lime Co., Inc.	108,550.00

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
5610-15	02/10/98	National Limestone Quarry, Inc.	5,000.00
5610-15	02/10/98	Milestone Materials, Inc./ Glen Mills	5,000.00
5610-15	02/10/98	Keystone Sand and Gravel, Inc.	5,000.00
5610-15	02/10/98	Lafarge Construction Materials	5,000.00
5610-15	02/10/98	Lakeland Sand and Gravel, Inc.	10,000.00
5610-15	02/10/98	Keystone Lime Co., Inc.	5,000.00
5610-15	02/10/98	Kasson Gravel	5,000.00
5610-15	02/10/98	Jay Fulkroad & Sons, Inc.	5,000.00
5610-15	02/10/98	Meckleys Limestone Prod., Inc.	15,650.00
5610-15	02/10/98	Latrobe Construction Co.	10,000.00
5610-15	02/10/98	Martin Stone Quarries, Inc.	25,872.50
5610-15	02/10/98	Medure Aggregates Co.	5,000.00
5610-15	02/10/98	Locust Ridge Quarry	5,000.00
5610-15	02/10/98	Martin Limestone, Inc.	5,000.00
5610-15	02/10/98	M & M Stone Co.	5,000.00
5610-15	02/10/98	M & M Lime Co.	5,000.00
5610-15	02/10/98	Naceville Materials Joint Vent.	5,000.00
5610-15	02/10/98	Thomas E. Siegel	5,000.00
5610-15	02/10/98	Union Quarries	10,075.00
5610-15	02/10/98	Valley Quarries, Inc.	91,700.00
5610-15	02/10/98	The Lane Construction Corp.	5,000.00
5610-15	02/10/98	Tarmac America	15,800.00
5610-15	02/10/98	State Aggregates, Inc.	28,415.00

## STATE CONTRACTS INFORMATION

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
5610-15	02/10/98	Dingmans Ferry Stone, Inc.	5,000.00	5610-15	02/10/98	Russell Miner- als, Inc. Darlington Ready-Mix	5,000.00
5610-15	02/10/98	Valley Stone Quarry	13,350.00	5610-15	02/10/98	Rohers Quarry, Inc.	20,300.00
5610-15	02/10/98	York Building Products Co., Inc.	5,000.00	5610-15	02/10/98	Milestone Ma- terials, Inc./ Boalsburg	67,445.00
5610-15	02/10/98	South Bend Limestone Co.	8,550.00	5610-15	02/10/98	International Mill Service, Inc.	66,585.00
5610-15	02/10/98	Waylite Corp.	28,550.00	5610-15	02/10/98	Codorous Stone and Supply Co., Inc.	5,000.00
5610-15	02/10/98	Wyoming Sand and Stone Company	5,000.00	5610-15	02/10/98	Commercial Stone Co., Inc.	110,525.00
5610-15	02/10/98	White Haven Red Rock Sales Co.	18,070.00	5610-15	02/10/98	Common- wealth Stone, Inc.	5,000.00
5610-15	02/10/98	Wayne Gravel Products	18,730.00	5610-15	02/10/98	Clifford Cross, Inc.	11,230.00
5610-15	02/10/98	Plumstead Materials div. of Naceville Materials	5,000.00	5610-15	02/10/98	Cicccone Exca- vating, Inc.	5,650.00
5610-15	02/10/98	Porters Con- crete Ser- vice, Inc.	5,000.00	5610-15	02/10/98	Chestnut Ridge Sand	5,000.00
5610-15	02/10/98	Pottstown Trap Quar- ries, Inc.	5,000.00	5610-15	02/10/98	Dalrymple Gravel and Cont. Co., Inc.	5,000.00
5610-15	02/10/98	Pottstown Trap Rock Quarries	5,000.00	5610-15	02/10/98	Compass Quarries, Inc.	36,925.00
5610-15	02/10/98	Penn/MD Ma- terials	11,500.00	5610-15	02/10/98	Daggett Sand and Gravel Co.	22,610.00
5610-15	02/10/98	Pikes Creek Sand and Stone, Inc.	5,000.00	5610-15	02/10/98	Buffalo Lime- stone, Inc.	5,000.00
5610-15	02/10/98	Pennsy Sup- ply, Inc.	144,900.00	5610-15	02/10/98	Coolspring Stone Sup- ply, Inc.	56,065.00
5610-15	02/10/98	Simpson Stone Quarry	24,400.00	5610-15	02/10/98	D. M. Stolz- fus & Sons, Inc.	41,500.00
5610-15	02/10/98	Quality Aggre- gates	43,450.00	5610-15	02/10/98	Culver Con- struction	5,000.00
5610-15	02/10/98	Silver Hill Quarry	5,000.00	5610-15	02/10/98	County Line Quarry, Inc.	59,350.00
5610-15	02/10/98	Small Moun- tain Quarry, Inc.	9,170.00	5610-15	02/10/98	Americam As- phalt Paving Co.	36,305.00
5610-15	02/10/98	Rhinehart Sand and Gravel, Inc.	5,000.00	5610-15	02/10/98	Atlantic States Limestone	5,000.00
5610-15	02/10/98	Sheridan Corp.	31,450.00	5610-15	02/10/98	Atlantic States Materials of PA	5,000.00

## STATE CONTRACTS INFORMATION

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Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
5610-15	02/10/98	Barletta Materials and Construction, Inc.	5,000.00	5610-15	02/10/98	Huss Construction Co., Inc.	5,000.00
5610-15	02/10/98	Davison Sand and Gravel Company	281,004.00	5610-15	02/10/98	Glenn O. Hawbaker, Inc.	58,400.00
5610-15	02/10/98	Allegheny Mineral Corp.	17,745.00	5610-15	02/10/98	Hasbrouck Sand and Gravel Co.	34,370.00
5610-15	02/10/98	ABE Materials—Easton	5,000.00	5610-15	02/10/98	Hoover Sand and Gravel Co.	68,700.00
5610-15	02/10/98	Brokenstraw Gravel Co., Inc.	5,000.00	5610-15	02/10/98	Highway Materials, Inc.	8,470.00
5610-15	02/10/98	Bear Gap Stone, Inc.	34,340.00	5610-15	02/10/98	Hempt Brothers, Inc.	11,500.00
5610-15	02/10/98	Binkley & Ober, Inc.	14,200.00	5610-15	02/10/98	Erie Sand and Gravel Company	5,000.00
5610-15	02/10/98	Buffalo Crushed Stone, Inc.	5,000.00	5610-15	02/10/98	Eastern Industries, Inc. Winfield	64,900.00
5610-15	02/10/98	Beaver Valley Slag, Inc.	5,000.00	5610-15	02/10/98	Edward C. Griffith Quarrying, Inc.	25,500.00
5610-15	02/10/98	Better Materials Corporation	5,000.00	5610-15	02/10/98	Edwards G. F.	12,220.00
5610-15	02/10/98	Berks Products Corporation	5,000.00	5610-15	02/10/98	Eastern Industries, Inc. Center Valley	11,225.00
5610-15	02/10/98	Bedrock Quarries	21,575.00	5610-15	02/10/98	Earl F. Dean, Inc.	5,000.00
5610-15	02/10/98	Greer Industries, Inc.	72,000.00	5610-15	02/10/98	E. F. Lippert and Company, Inc.	5,000.00
5610-15	02/10/98	Iddings Quarry, Inc.	11,750.00	5610-15	02/10/98	Georgetown Sand and Gravel	267,650.00
5610-15	02/10/98	H & K Materials, Inc.	5,000.00	5610-15	02/10/98	Devault Crushed Stone	13,335.00
5610-15	02/10/98	H. B. Mellott Estate, Inc.	5,000.00	5610-15	02/10/98	G. L. McKnight, Inc.	5,000.00
5610-15	02/10/98	Grannas Bros. Stone and Asphalt	5,000.00	5610-15	02/10/98	Glasgow, Inc.	5,000.00
5610-15	02/10/98	Graham Construction and Excavating	18,410.00	5610-15	02/10/98	Glacial Sand and Gravel Co.	14,940.00
5610-15	02/10/98	Global Stone PenRoc, Inc.	7,825.00	5610-15	02/10/98	Glen Blooming Quarry	5,000.00
5610-15	02/10/98	I. A. Construction Corp.	30,570.00	5610-15	02/10/98	Gernatt Asphalt Products, Inc.	20,400.00
5610-15	02/10/98	Handwerk Materials Div. of Haines and Kibblehouse, Inc.	5,000.00				



Requisition or Contract #	Awarded On	To	In the Amount Of
5610-15 RIP No. 1	02/10/98	New Enter- prise Stone/ Lime Co., Inc.	25,575.00
5610-15 RIP No. 1	02/10/98	Milestone Ma- terials, Inc.	5,950.00
5610-15 RIP No. 1	02/10/98	Milestone Ma- terials, Boalsburg	6,905.00
5610-15 RIP No. 1	02/10/98	North Star Aggregates	3,050.00
5610-15 RIP No. 1	02/10/98	South Bend Limestone	10,325.00
5610-15 RIP No. 1	02/10/98	Wayne Gravel	8,315.00
5610-15 RIP No. 1	02/10/98	Culver Con- struction	2,450.00
5610-15 RIP No. 1	02/10/98	Kasson Gravel	9,225.00
5610-15 RIP No. 1	02/10/98	Johnson Exca- vating	26,585.00
5610-15 RIP No. 1	02/10/98	Davison Sand and Gravel Co.	24,660.00
5610-15 RIP No. 1	02/10/98	Dunbar Gravel	7,295.00
5610-15 RIP No. 1	02/10/98	Genn Hawbaker, Inc.	3,150.00
5610-15 SUPP. No. 1	02/10/98	North Star Aggregates	5,000.00
5610-15 SUPP. No. 1	02/10/98	Eureka Stone Quarry, Inc.	5,000.00
5610-15 SUPP. No. 1	02/10/98	Dunbar Gravel	5,000.00
5610-15 SUPP. No. 1	02/10/98	Johnson Exca- vating	5,000.00
6240-02 SUPP. No. 1	02/10/98	Al Anderson	40,000.00
6240-02 SUPP. No. 2	02/10/98	Wesco Distri- bution, Inc.	5,000.00
6240-02 SUPP. No. 2	02/10/98	Scott Electric	25,000.00
6240-02 SUPP. No. 2	02/10/98	Consolidated Electric	5,000.00

Requisition or Contract #	Awarded On	To	In the Amount Of
6240-02 SUPP. No. 2	02/10/98	Graybar	25,000.00
6240-02 SUPP. No. 2	02/10/98	Dauphin Elec- tric	60,000.00
6505-08	02/10/98	Mead Johnson Nutritional Div.	161,424.10
6505-08	02/10/98	Sherwood Medical Company	39,570.00
6505-08	02/10/98	Ross Labs Div. Abbott Labs	438,971.41
6505-08	02/10/98	Nestle Clinical Nutrition	84,430.80
6790-01	02/10/98	Sirchie Finger- print Lab, Inc.	3,570.00
6790-01	02/10/98	Lighting Pow- der Co., Inc.	4,452.76
6790-01	02/10/98	Lynn Peavey Co.	61,574.48
6790-01	02/10/98	PA Police Sup- ply	7,438.40
6790-01	02/10/98	Safety League, Inc.	3,472.39
6790-01	02/10/98	Kinderprint Co., Inc.	2,438.76
7313930-01	02/09/98	Commstar, Inc.	26,062.50
7930-07	02/10/98	Pariser Indus- tries	40,115.00
7930-07	02/10/98	Lidochem, Inc.	21,800.00
7930-07	02/10/98	Resourcenet Interna- tional	43,200.00
7930-07	02/10/98	Val-Chem Co., Inc.	97,669.20
8122060-01	02/09/98	Commercial Vehicle Safety Alli- ance	1,800.00

GARY E. CROWELL,  
Secretary

[Pa.B. Doc. No. 98-323. Filed for public inspection February 20, 1998, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 3480 AND 3490]

### Protective Services

The Department of Public Welfare (Department) under the authority of Articles VII and IX of the Public Welfare Code (62 P.S. §§ 701—704 and 901—922); 42 Pa.C.S. §§ 6301—6365 (relating to Juvenile Act); section 2168 of the County Code (16 P.S. § 2168); section 405 of the County Institution District Law (62 P.S. § 2305); and of 23 Pa.C.S. §§ 6301—6385 (relating to the Child Protective Services Law) (CPSL), proposes to amend Chapter 3490 (relating to protective services) to read as set forth in Annex A.

#### *Purpose*

It is the purpose of Chapter 3490 to encourage more complete reporting of suspected child abuse; to the extent permitted by this chapter, to involve law enforcement agencies, as permitted by this chapter, in responding to child abuse; and to establish in each county, protective services for the purpose of investigating the reports swiftly and competently, providing protection for children from further abuse and providing rehabilitative services for children and parents involved so as to ensure the child's well-being and to preserve, stabilize and protect the integrity of family life wherever appropriate. It is also the purpose of this chapter to ensure that each county children and youth agency establish a program of protective services for neglected children with policies and procedures to assess the risk of harm to a child and with the capabilities to respond adequately to meet the needs of families and children who may be at risk and to prioritize the response and services to children most at risk.

It is also the purpose of this chapter to provide for investigations of reports of suspected abuse of students by school employees and screen applicants for employment in schools to determine whether or not the applicant has a prior history of abusing children. It is also the purpose of this chapter to establish a training and certification program for all county children and youth agency staff who provide direct services to abused and neglected children.

#### *Need for the Proposed Amendments*

These proposed amendments are needed to implement the act of December 16, 1994 (P.L. 1286, No. 151) (Act 151) and Act 10 of 1995 (Special Session), clarify existing regulations that need to be changed and delete Chapter 3480.

Children deserve to grow up in safe, nurturing homes. Sadly, many are victims of child abuse and neglect. It is a problem that has devastating effects on children, families and our Commonwealth. In 1995, over 6,000 children in this Commonwealth were abused by their parents or other individuals responsible for their care and 33 died from abuse. These proposed amendments will improve the ability to protect children from abuse and neglect.

#### *Requirements*

a. Section 3490.4 (relating to definitions). The definition of "child abuse" has been amended to:

1. Require the county children and youth agencies to investigate only those reports of suspected serious physical injury that are reported within 2 years of the date the alleged abuse occurred. It is reasoned that if a child has not been abused within 2 years that further abuse is unlikely. This amendment allows the county agencies to concentrate their efforts on preventing reabuse of children who have been abused and are more likely to be abused than on children who have not been abused within 2 years.

2. Include situations of imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child. This proposed amendment would prevent the abuse of children when there is a high probability of abuse.

3. Require mandated reporters to make a report of suspected child abuse when they have reasonable cause to suspect, on the basis of their medical, professional or other training and experience, that a child coming before them in their professional or official capacity is an abused child. The standard of when they are mandated to report has been changed from "reasonable cause to believe" to "reasonable cause to suspect." This should result in protection for more children and a slight increase in the number of reports of suspected child abuse.

b. Section 3490.39 (relating to expunction from the Statewide Central Register) requires the Department to establish a subfile of the names of perpetrators of indicated and founded reports of child abuse and student abuse in the Statewide Central Register when the Social Security number or date of birth of the person responsible for the abuse is known. These reports will remain on file indefinitely. This will aid the county agencies in protecting future children who are abused by a perpetrator known to have abused a child previously and after the rest of the record of the previous abuse has been expunged.

c. Section 3490.56 (relating to the county agency or Department's investigation of suspected child abuse perpetrated by persons employed or supervised by child caring agencies and residential facilities) requires child care agencies and residential facilities to develop and implement a plan of supervision or alternative arrangements for the individual under investigation as the alleged perpetrator when the child is allegedly abused by an employee of the agency or facility. The plan must be approved by the county agency. This will protect the child reported as abused and other children in the care of the agency or facility until the investigation is completed and a decision is made regarding the future employment status of the employee.

d. Sections 3490.61 and 3490.235 (relating to supervisory review and child contacts; and services available through the county agency for neglected children) require the county agency supervisor to review reports of suspected abuse that are under investigation and reports of suspected neglect that are being assessed on an ongoing and regular basis to ensure the safety of the child and the progress made toward reaching a status determination. These sections also require the county agency to assure that contacts are made with the child and parents as often as necessary for the protection of the child but no less often than once a week when the child is at high risk of abuse or neglect. These changes are proposed as a result of the Department's experience in reviewing county agency performance relating to case planning and client contacts.

e. Section 3490.105(a) (relating to request by a perpetrator to amend or expunge an indicated report of child abuse received by ChildLine after June 30, 1995) requires perpetrators of indicated reports of child abuse who seek to have the report amended or expunged to request the Secretary of the Department to amend or expunge the report within 45-calendar days of the mailing date of the letter from ChildLine. This protects the child from having to testify at a hearing about something that may have happened a long time ago and that the child may have forgotten.

f. Section 3490.108 (relating to cooperation of county agencies and law enforcement agencies) requires the county agencies and law enforcement officials to cooperate and coordinate their investigations of reports of suspected child abuse to the extent permitted by law. The law was amended in 1982 to require reporting of certain types of child abuse to law enforcement officials but did not provide for cooperation between the two agencies. This proposed amendment builds on this change by requiring closer cooperation and coordination of these two agencies which will help to reduce the trauma to children of having to repeat what happened to them numerous times to numerous people. The Office of Children, Youth and Families in the Department and the Pennsylvania District Attorneys Association have formed a workgroup to foster better working relationships between the two agencies. It will also provide greater protection for abused and neglected children because of the possibility of criminal prosecution and incarceration.

The proposed amendment does not provide specific requirements relating to when or how coordination should occur, because there will be occasions when cooperation and coordination will be difficult because of the circumstances of the abuse.

g. Section 3490.109 (relating to report from law enforcement agencies) requires law enforcement agencies to notify the county agency if a criminal investigation has been undertaken and the results of the investigation and prosecution on child abuse reports referred to them by the county agency. Prior to Act 151, county agencies were required to notify law enforcement officials of certain instances of suspected child abuse. However, there was not a requirement for law enforcement officials to notify the county agency of the results of the referrals. There is no statistical data on the disposition of referral made by county agencies to law enforcement officials. This change will provide necessary information on criminal justice outcomes from law enforcement referrals by county agency staff.

h. Sections 3490.131—3490.137, under the center heading "Verification of Existence of Child Abuse and Student Abuse Records for School Employees," require administrators of schools to require all applicants for position as school employees, including independent contractors and their employees who work directly with children, to submit a clearance statement from the Statewide Central Register which is the State repository of all founded and indicated reports of child abuse and student abuse. A clearance determines if the applicant's name is on file as a perpetrator of child abuse or student abuse. An administrator or independent contractor may not hire an applicant if the applicant is a perpetrator of a founded report of child abuse or student abuse. This prevents persons who have abused a child in the past from working in a school where they may abuse a child in the future. While the law does not prohibit an administrator or contractor from hiring a perpetrator of an indicated report of child

abuse or student abuse, it encourages the administrator to request the applicant for additional information, thereby, allowing the administrator to make an informed decision based on information obtained from the Statewide Central Register.

i. Subchapter B (relating to students in public and private schools) provides for reporting and investigating reports of suspected serious bodily injury or sexual abuse or sexual exploitation of a student by a school employee. School administrators are required to report suspected student abuse to the district attorney and local law enforcement officials. The law enforcement official is required to investigate the allegation and to report the suspected student abuse to the county agency if the official has reasonable cause to suspect that the child was abused by a school employee. The county agency is required to investigate the report to determine whether the report is a founded, indicated or unfounded report of student abuse. Unfounded reports are expunged from the State and county files within 120-calendar days of when the report was received at ChildLine. Founded and indicated reports are expunged from the Statewide Central Register when the child turns 23 years of age. However, except for the identity of the child, information on founded and indicated reports of student abuse are maintained indefinitely when the Social Security number or date of birth of the school employee who abused the student is known. A person responsible for the abuse in an indicated report of student abuse has the right to request the Secretary of the Department to amend or expunge the report. Subchapter B will provide protection for children who are abused by a school employee and prevent perpetrators of child abuse and student abuse from being employed in positions where they may abuse another child.

j. Subchapter C (relating to general protective services) requires each county agency to administer a program of general protective services for neglected children who have been assessed as needing protective services to prevent abuse, neglect and exploitation; keep children in their own homes when possible; overcome problems that result in dependency; provide temporary substitute care; reunite families when children have been placed in out-of-home care; provide permanent legally assured care for children who cannot return home; and provide services for children adjudicated dependent by a court. "Neglect" is defined as: acts or omissions by a parent or the primary person responsible for the care of a child which result in a failure to provide the essentials of life and which create a potential for harm to the child's safety, functioning or development. A child may not be considered neglected based solely on environmental factors that are beyond the control of the parent or the primary person responsible for the child's care including inadequate housing, furnishings, income, clothing and medical care. For purposes of the definition of "neglect," the following terms have the following definitions:

(i) "Essentials of life"—Food, shelter, clothing, health care, personal care, education as required by law, proper supervision and protection from physical, sexual or emotional injury.

(ii) "Primary person who is responsible for the care of a child"—A person who provides or arranges ongoing care and supervision to a child in lieu of parental care and supervision.

(iii) "Potential for harm"—Likely, if permitted to continue, to have a detrimental effect on the child's health, development or functioning. The term does not include

imminent risk as defined in the definition of "child abuse" in § 3490.4 (relating to definitions).

This subchapter establishes provisions for county agencies to receive and assess reports of suspected child neglect. The subchapter establishes those services that county agencies must have available for neglected children and their families both during and after the assessment. It establishes recordkeeping procedures for county agencies for general protective services. This subchapter defines what neglect is and establishes the requirements for general protective services. The purposes of the subchapter are to protect children who are neglected and protect neglected children from being abused. The county agencies are currently providing general protective services under Chapter 3480.

k. Subchapter D (relating to staff orientation, training and certification requirements) provides that the Department, in conjunction with a steering committee cochaired by a representative of the Department and a representative from the Pennsylvania Children and Youth Administrators, Inc., establish a training and certification program for county agency staff who provide direct services. County staff who had regular employment status on June 30, 1996, were certified and not required to complete any of the required training courses. Staff hired on or after July 1, 1996, will be required to complete 120 hours of CORE training and be recommended by the person's supervisor for certification. Staff who are not certified as direct service workers may not provide protective services. The proposed amendments also require annual training for direct service workers. The certification requirements will insure that all direct service workers have met minimum training requirements and have been approved by the county agency as certified direct service workers. This will result in better services to children and their families and aid in recruiting and retaining staff who will be better qualified to provide services.

l. Subchapter D (relating to risk assessment) requires that the Department and the county agencies establish a State-approved risk assessment process to aid in determining the amount of risk to a child if the child remains in the child's own home or is returned home from placement. The county agencies are using a State-approved risk assessment process. Risk assessment is a valuable tool for staff to help to determine the risk of harm to a child and to determine what services are necessary to protect the child until agency involvement is no longer needed.

m. Section 3490.331 (relating to annual report on required activities) requires the Department to include in the annual report to the Governor and General Assembly the number of reports of suspected child abuse and neglect, student abuse, the number of children the county agency is providing services to, the cost to implement the CPSL, the number of reports made to law enforcement officials and any recommendations for Legislative change. This report will provide more complete information on the scope of the problem of abuse and neglect, the number of children receiving services from the county agencies, the cost to implement the law and changes needed to provide even service improvement to abused and neglected children.

n. Section 3490.361 (relating to requirements for agencies providing protective services) requires private agencies providing protective services arranged by the county agency to comply with §§ 3130.21(4), 3130.39 and 3130.40 (relating to responsibilities of county executive

officers; services and facilities which may be used; and delivery of services through other service providers).

o. Section 3490.362 (relating to requirements for persons providing services arranged or provided by the county agency) requires professional persons providing services to abused and neglected children to have a valid license issued by the Department of State when their profession is subject to mandatory licensure. This will insure that services to abused and neglected children and their families are provided by qualified staff.

p. Section 3490.401 (relating to intercounty transfer of cases) proposes requirements relating to the transfer of information from one county to another county when the child or parent moves to another county and the case is being investigated for suspected child abuse, being assessed for suspected child neglect or was accepted by the county agency for protective services. These revisions are proposed as a result of the Department's experience in reviewing county agency performance relating to this issue.

#### *Affected Individuals and Organizations*

The proposed amendments will affect children and youth and their families. It will also affect public and private children and youth agencies, law enforcement officials, school employees and persons whose employment, occupation or practice of their profession bring them into direct contact with children.

#### *Fiscal Impact*

##### *(a) Public Sector*

(1) The cost for FY 1997—98 is in the appropriation for payments to counties for child welfare services and is based on information provided to the Department through the needs-based budgeting process.

(2) The estimate for FY 1998—99 is based on previous spending patterns of the county agencies.

(3) The estimate for FYs 1999—00 through 2000—02 includes an annual increase of 3%.

<i>Year</i>	<i>1997-98</i>	<i>1998-99</i>	<i>1999-00</i>	<i>2000-01</i>	<i>2001-02</i>
State	\$853	\$878	\$904	\$931	\$958
Counties	213	219	226	233	239
Total	\$1,066	\$1,097	\$1,130	\$1,164	\$1,197

(The figures are in thousands)

(b) Estimated savings to the State and counties as a result of the proposed amendments.

Any savings were factored into the estimated budgets that counties submitted to the Department.

##### *Private Sector*

These proposed amendments require an applicant for employment in a school to pay up to \$10 to the Department to verify whether or not the applicant's name is on file in the Statewide Central Register of founded and indicated reports of child abuse and student abuse. In Calendar Year 1996, ChildLine received 192,149 requests for clearance statements from applicants for employment where the applicants have direct contact with children. Of these 192,149, 88,000 were as a result of the amendment that requires applicants for employment in schools to receive a clearance statement from ChildLine. We estimate the number of requests will increase by 5% a year.

	1997	1998	1999	2000	2001
Total	\$924	\$970	\$1,018	\$1,069	\$1,123

(c) *General Public*

There will be no costs to the general public, except for persons applying for employment in a school who are required to pay a \$10 fee to verify whether or not the person's name is on file in the Statewide Central Register of founded and indicated reports of child abuse and student abuse.

*Paperwork Requirements*

School administrators will be required to complete a portion of a form and send it to the district attorney and law enforcement officials when making a report of suspected student abuse. It will take approximately 15 minutes to complete this form.

Law enforcement officials will be required to complete the other portion of the form and send it to the county agency when the law enforcement official receives a report of suspected student abuse. It will take approximately 15 minutes to complete this form.

It is estimated that the costs to complete the form for reporting suspected student abuse will be nominal.

Law enforcement officials will also complete a brief form and send it to the county agency advising it of the status of a referral of suspected child abuse or student abuse that was made to law enforcement. This is a new requirement. It will take approximately 10 minutes to complete this form. While approximately 8,000 reports of suspected child abuse are made to law enforcement officials annually, it is not anticipated that this will impact in any significant way on the budgets of law enforcement agencies.

County agencies are required to assess the risk to an abused or neglected child and complete a risk assessment process. It is estimated that it takes approximately 20 minutes to complete the risk assessment process.

Protective service supervisors are required to complete an Individual Training Needs Assessment (ITNA) annually for each of their staff. The ITNA is a component of the certification and training program and is used to determine the training needs of a protective service worker. It takes approximately 45 minutes to complete an ITNA.

*Effective Dates*

These proposed amendments become effective upon publication in the *Pennsylvania Bulletin* as final rule-making.

*Sunset Date*

No sunset date has been established for these proposed amendments. The Secretary of the Department is required by the law and these proposed amendments to submit an annual report to the Governor and the General Assembly on the implementation of the law. The report must include recommendations to amend the law, thus, the Department is continuously evaluating the effectiveness of the law and the need for amendments.

*Public Comment Period*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to the Department of Public Welfare, Joseph L. Spear, P. O. Box 2675, Harrisburg, PA 17105-2675, (717) 787-3986, fax (717) 787-0414 within 30-calendar

days after the date of publication in the *Pennsylvania Bulletin*. All comments received within 30-calendar days will be reviewed and considered in the preparation of the final-form regulations. Comments received after the 30-day comment period will be considered for any subsequent revisions of these amendments.

*Regulatory Review Act*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 10, 1998, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Aging and Youth and the Senate Committee on Public Health and Welfare. In addition to submitting the proposed amendments, the Department has provided IRRC and the committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication, of the amendments of objections raised, by the Department, the General Assembly and the Governor.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-441. (1) General Fund;

	State	County
(2) Implementing Year		
1997-98 is	\$853,000	\$213,000
(3) 1st Succeeding Year		
1998-99 is	\$878,000	\$219,000
2nd Succeeding Year		
1999-00 is	\$904,000	\$226,000
3rd Succeeding Year		
2000-01 is	\$931,000	\$233,000
4th Succeeding Year		
2001-02 is	\$958,000	\$239,000
5th Succeeding Year		
2002-03 is	\$1,008,000	\$252,000
(4) FY 1996-97	\$354,863,000	\$163,757,000
FY 1995-96	\$264,743,000	\$142,988,000
FY 1994-95	\$309,561,000	\$149,347,000

(7) Department of Public Welfare County Child Welfare; (8) recommends adoption. The State will pay the counties through the needs based budget for county services to children and youth. The counties are responsible for a portion of the cost of these services.

**Annex A**

**TITLE 55. PUBLIC WELFARE**

**PART V. CHILDREN, YOUTH AND FAMILIES  
MANUAL**

**Subpart D. NONRESIDENTIAL AGENCIES,  
FACILITIES AND SERVICES**

**ARTICLE III. COUNTY-ADMINISTERED SERVICES**

**CHAPTER 3480. [ CHILD PROTECTIVE  
SERVICES—GENERAL ] (Reserved)**

(*Editor's Note:* The Department proposes to delete Chapter 3480, 55 Pa. Code pages 3480-1 to 3480-5, serial pages (168951) to (168955).)

§§ 3480.1—3480.4 [ Reserved ].

§§ 3480.11—3480.17. [ Reserved ].

CHAPTER 3490. [ CHILD ] PROTECTIVE SERVICES  
[ — CHILD ABUSE ]

INTRODUCTION

§ 3490.1. Applicability.

This chapter applies to the Department; other departments, boards, bureaus and agencies of the Commonwealth or any of its political subdivisions; county children and youth social service agencies and other agencies providing services to children and youth; law enforcement officials; county executive officers; auditors of the Federal government; **public and nonpublic schools; intermediate units; area vocational-technical schools; independent school contractors;** and persons who, in the course of their employment or occupation or in the practice of their profession, come into contact with children.

§ 3490.2. [ Goals ] Purposes.

The [ goals ] purposes of this [ chapter ] subchapter are to:

\* \* \* \* \*

(4) Involve law enforcement agencies in responding to child abuse.

(5) Prioritize the response and services to children most at risk.

(6) Encourage more complete reporting of suspected child abuse.

§ 3490.4. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

**Accept for service**—The county agency decides on the basis of the needs and problems of an individual to admit or receive the individual as a client of the agency or as required by a court order entered under the Juvenile Act.

**Agent of the county agency**—A person who provides a children and youth social service either directly or under contract or through agreement with a county agency.

(i) An agent of the county agency includes, [ but is not limited to ]:

\* \* \* \* \*

(H) A school employee of a facility or agency that is an agent of a county agency.

\* \* \* \* \*

**Arrange**—Make a service available to a client accepted for service through another agency or service provider which is not paid for by the county agency.

[ CPS—Child Protective Services. The section of each children and youth social service agency required to be established by section 16 of the CPSL.

**CPS plan**—A component of the services plan and budget estimate of county children and youth social service agencies which meets the requirements of section 16 of the CPSL. ]

\* \* \* \* \*

**Certified medical practitioner**—A licensed physician, a physician's assistant or a certified registered nurse practitioner.

**Child**—A person [ 17 years of age or younger ] under 18 years of age.

**Child abuse**—[ Serious physical or mental injury which is not explained by the available medical history as being accidental, or sexual abuse or sexual exploitation, or serious physical neglect of a child under 18 years of age if the injury, abuse or neglect has been caused by the acts or omissions of the child's parents, or by a person responsible for the child's welfare, or an individual residing in the same home as the child, or a paramour of a child's parent. No child may be deemed to be physically or mentally abused for the sole reason that he is in good faith being furnished treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner thereof or is not provided specified medical treatment in the practice of religious beliefs, or solely on the grounds of environmental factors which are beyond the control of the person responsible for the child's welfare such as inadequate housing, furnishings, income, clothing and medical care. ]

(i) The term means any of the following:

(A) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child.

(B) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child.

(C) A recent act, failure to act or series of such acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child.

(D) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

(ii) No child will be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.

(iii) If, upon investigation, the county agency determines that a child has not been provided needed medical or surgical care because of seriously held religious beliefs of the child's parents, guardian or person responsible for the child's welfare, which beliefs are consistent with those of a bona fide religion, the child will not be deemed to be physically or mentally abused. The county agency shall closely monitor the child and shall seek court-ordered medical intervention when the lack of medical or surgical care threatens the child's life or long-term health. In cases involving religious circumstances, all correspondence with a subject of the report and the records of the Department and the county agency may not reference "child abuse" and shall acknowledge the religious

basis for the child's condition, and the family shall be referred for general protective services, under Subchapter C (relating to general protective services), if appropriate.

**ChildLine**—An organizational unit of the Department which operates a Statewide toll-free system for receiving reports of suspected child abuse established [ by ] under section [ 14(c) ] 6332 of the CPSL (relating to establishment of Statewide toll-free telephone number), refers the reports for investigation, and maintains the reports in the appropriate file. In addition, it also receives reports of student abuse under Subchapter B (relating to abuse of students in school).

**County agency**—[ The county children and youth social service agency as required by Chapter 3130 (relating to administration of county children and youth social service programs). ] The county children and youth social service agency established under section 405 of the act of June 24, 1937 (P. L. 2017, No. 396), known as the County Institution District Law, or its successor, and supervised by the Department under Article IV of the Public Welfare Code (62 P. S. §§ 401—403). It also includes the Department's Office of Children, Youth and Families' regional offices when the report of suspected child abuse or student abuse involves an agent of the county agency.

**County plan**—A needs-based plan and budget estimate which serves as the basis for administration of the county children and youth social services program required by Chapter 3140 (relating to planning and financial reimbursement requirements for county children and youth social service programs).

\* \* \* \* \*

**Deviate sexual intercourse**—Sexual intercourse by mouth or anus or with an animal. The term also includes penetration, however slight, of the genitals or anus of a child with a foreign object for any purpose other than good faith medical, hygienic or law enforcement procedures.

**Director of a hospital or other medical facility**—The director or a person specifically designated in writing by the director to perform [ his ] the functions under section 6315 of the CPSL (relating to taking child into protective custody) and this chapter.

\* \* \* \* \*

**Forcible compulsion**—Compulsion by use of physical, intellectual, moral, emotional or psychological force, either expressed or implied.

**Foreign object**—The term includes any physical object not part of the perpetrator's body.

**Founded report**—A child abuse report made under the CPSL and this chapter if there has been a judicial adjudication based on a finding that a child who is a subject of the report has been abused including the entry of a plea of guilty or nolo contendere and after the court has accepted the defendant's plea of guilty or nolo contendere and imposed sentence or a finding of guilt to a criminal charge involving the same factual circumstances involved in the allegation of child abuse.

**Indecent contact**—Any touching of the sexual or other intimate parts of a child for the purpose of arousing or gratifying sexual desire in either person.

**Indicated report**—A child abuse report made under the CPSL and this chapter if an investigation by the [ CPS ] county agency determines that substantial evidence of the alleged abuse exists based on one of the following:

\* \* \* \* \*

(ii) The [ CPS ] county agency investigation.

\* \* \* \* \*

**Individual residing in the same home as the child**—An individual who is 14 years of age or older and who resides in the same home as the child alleged to be abused.

**Juvenile Act**—42 Pa.C.S. Chapter 63.

\* \* \* \* \*

**Pending criminal court action**—The status assigned to a report when the county agency cannot complete the investigation within 30 calendar days because criminal court action has been initiated.

**Pending juvenile court action**—The status assigned to a report when the [ CPS ] county agency cannot complete the investigation within 30 calendar days because juvenile court action has been initiated.

\* \* \* \* \*

**Perpetrator**—A person who has committed child abuse and is a parent of a child, a person responsible for the welfare of a child, an individual residing in the same home as the child [ , ] or a paramour of the child's parent [ who has committed child abuse as defined in section 3 of the CPSL and this chapter ].

**Person responsible for the child's welfare**—A person, such as a babysitter, stepparent, day care staff person or residential child care staff person, who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control either by legal authorization or consent of the parent. The term does not include a person who is employed by or provides services or programs in any public or private school, intermediate unit or area vocational-technical school.

\* \* \* \* \*

**Protective services**—Services and activities provided by the Department and each county agency for children who are alleged or actually abused under this subchapter or alleged or actually neglected under Subchapter C (relating to general protective services).

**Provide**—To perform an activity directly through county agency staff or ensure the performance of an activity through a purchase of service agreement with another agency or individual.

**Recent act or failure to act**—An act or failure to act committed within 2 years of the date of the report of suspected child abuse to the Department or county agency.

**[ Recognized church or religious denomination**—A religious organization so recognized for tax purposes by the United States Internal Revenue Service. ]

\* \* \* \* \*

*Required reporters*—(i) Persons who, in the course of their employment, occupation or practice of their profession come into contact with children and have **[reason to believe] reasonable cause to suspect**, on the basis of their medical, professional or other training and experience, that a child coming before them in their professional or official capacity is a victim of child abuse. **Except with respect to confidential communications made to an ordained member of the clergy which are protected under 42 Pa.C.S. § 5943 (relating to confidential communications to clergymen), the privileged communication between a professional person required to report and the patient or client of that person does not apply to situations involving child abuse and does not constitute grounds for failure to report as required by this subchapter.**

(ii) Persons required to report include **[ , but are not limited to, a ] the following:**

(A) A licensed physician, medical examiner, coroner, funeral director, dentist, osteopath, chiropractor, psychologist, podiatrist, intern, registered nurse, licensed practical nurse **[ ; hospital ]**.

(B) **Hospital** personnel engaged in the admission, examination, care or treatment of persons **[ ; a ]**

(C) A Christian Science practitioner, **member of the clergy**, school administrator, school teacher, school nurse, social services worker, day care center worker or another child care or foster care worker, mental health professional, peace officer or law enforcement official.

*Secretary*—The Secretary of the Department or a person specifically designated in writing by the Secretary to perform **[ his ] the Secretary's** functions under the CPSL and this chapter.

\* \* \* \* \*

*Serious mental injury*—A psychological condition as diagnosed by a physician or licensed psychologist caused by the **[ acts ] act** or **[ omissions ] failure to act**—including the refusal of appropriate treatment—of the perpetrator which does one of the following:

(i) Renders the child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that **[ his ] the child's** life or safety is threatened.

\* \* \* \* \*

*Serious physical injury*—An injury caused by the **[ acts ] act** or **[ omissions ] failure to act** of a perpetrator which does one of the following:

\* \* \* \* \*

**[ (iii) Is accompanied by physical evidence of a continuous pattern of separate, unexplained injuries to the child. ]**

*Serious physical neglect*—A physical condition caused by the **[ acts ] act** or **[ omissions ] failure to act** of a perpetrator which endangers the child's life or development or impairs **[ his ] the child's** functioning and is the result of one of the following:

\* \* \* \* \*

(ii) Failure to provide essentials of life, including adequate medical and dental care.

*Sexual abuse*—**[ Any of the following when committed on a child by a perpetrator:**

(i) *Statutory rape*—Sexual intercourse with a child who is less than 14 years of age by a person 18 years of age or older.

(ii) *Involuntary or voluntary deviate sexual intercourse*—Intercourse by mouth or rectum or with an animal.

(iii) *Sexual assault*—Sexual involvement, including the touching or exposing of the sexual or other intimate parts of a person, for the purpose of arousing or gratifying sexual desire in either the perpetrator or subject child.

(iv) *Incest*—Sexual intercourse with an ancestor or descendant—by blood or adoption—brother or sister of the whole or half blood, or an uncle, aunt, nephew or niece of the whole blood.

(v) *Promoting prostitution*—Inducing or encouraging a child to engage in prostitution.

(vi) *Rape*—Sexual intercourse by force or compulsion.

(vii) *Pornography*—Includes one of the following:

(A) The obscene photographing, filming or depiction of children for commercial purposes.

(B) The obscene filming or photographing of children or showing of obscene films or photographs to arouse or gratify sexual desire in either the perpetrator, subject child or viewing audience. ]

Any of the following if committed on a child by a perpetrator:

(i) *Aggravated indecent assault*—Penetration, however slight, of the genitals or anus of a child with a part of the perpetrator's body for any purpose other than good faith medical, hygienic or law enforcement procedures as follows:

(A) By forcible compulsion.

(B) If the child is under 13 years of age.

(C) If the child is under 16 years of age and the perpetrator is 4 or more years older than the child and they are not married to each other.

(ii) *Incest*—Sexual intercourse with an ancestor or descendant—by blood or adoption—brother or sister of the whole or half blood, or an uncle, aunt, nephew or niece of the whole blood.

(iii) *Indecent assault*—Indecent contact with a child or causing the child to have indecent contact with the perpetrator as follows:

(A) Without the child's consent.

(B) By forcible compulsion.

(iv) *Indecent exposure*—Exposing one's genitals to a child.

(v) *Involuntary deviate sexual intercourse*—Deviate sexual intercourse with a child as follows:

(A) By forcible compulsion.

(B) If the child is under 13 years of age.



(C) If the child under than 16 years of age and the perpetrator is 4 or more years older than the child and they are not married to each other.

(vi) *Molestation*—Indecent contact, including:

(A) Looking at the sexual or other intimate parts of a child for the purpose of arousing or gratifying sexual desire in either person.

(B) Requiring the child to look at the sexual or other intimate parts of another person for the purpose of arousing or gratifying sexual desire in any person involved.

(C) Showing of pornographic material to a child.

(vii) *Pornography*—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist a perpetrator to engage in sexually explicit conduct or simulation of sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming of sexually explicit conduct.

(viii) *Promoting prostitution*—Inducing or encouraging a child to engage in prostitution.

(ix) *Rape*—Sexual intercourse by force or compulsion.

(x) *Sexual assault*—Sexual intercourse or deviate sexual intercourse with a child without the child's consent.

(xi) *Statutory sexual assault*—Sexual intercourse with a child who is under 16 years of age and the perpetrator is 4 or more years older than the child and they are not married to each other.

*Sexual intercourse*—In addition to its ordinary meaning, the term includes intercourse by mouth or anus, with some penetration, however slight; emission is not required.

*Statewide Central Register*—A register of child abuse and student abuse, established in the Department, which consists of founded and indicated reports of child abuse and student abuse.

*Status determination*—The decision made by the [CPS] county agency that a child abuse or student abuse report is founded, indicated, unfounded [or], pending juvenile court action or pending criminal court action.

*Subjects of the report*—A child [reported to ChildLine and his parent, guardian, other person responsible or other perpetrator also named in the report], parent, guardian or other person responsible for the welfare of a child or any alleged or actual perpetrator named in a report made to the Department or county agency under this subchapter.

*Substantial evidence*—Evidence which outweighs inconsistent evidence and which a reasonable person would accept as adequate to support a conclusion.

*Unfounded report*—A report made under the CPSL and this chapter unless the report is a founded report or [unless an investigation by the appropriate CPS determines that the report is] an indicated report of child abuse.

#### § 3490.5. Waivers.

(a) A waiver of a requirement of this chapter may be requested as specified in procedures published by the Department.

(b) A waiver may be granted by the Department if the waiver:

(1) Does not alter the applicability, scope or purpose of this chapter.

(2) Is based on evidence, supplied by the requesting agency, that the objective of the requirement will be achieved in another way.

(3) Is based on evidence, supplied by the requesting agency, that a waiver will have no adverse effect on the health, safety and rights of children.

(4) Does not violate or condone noncompliance with Federal statutes or regulations, State statutes or regulations other than the requirement of this chapter for which the waiver is approved.

(5) Does not jeopardize receipt of Federal monies.

(c) Except as provided in section 6361 of the CPSL (relating to organization for child protective services), the Department may not waive the requirement that the county agency is the sole civil agency responsible to receive and investigate reports of suspected child abuse and receive and assess reports of suspected neglect.

(d) An agency requesting a waiver shall continue to comply with the requirements of this chapter unless a waiver is granted.

#### REPORTERS

#### § 3490.11. Reporting suspected child abuse.

A person may make a report of suspected child abuse to ChildLine or a [CPS] county agency if the person has reasonable cause to suspect that a child has been abused. Reports shall be accepted by ChildLine or the [CPS] county agency regardless of whether the person identifies himself.

#### § 3490.13. Reports by employees who are required reporters.

(a) Required reporters who work in an institution, school, facility or agency shall immediately notify the person in charge of the institution, school, facility or agency or [his] a designee of suspected abuse. The person in charge, or [his] the designee, shall be responsible and have the obligation to make a report of the suspected child abuse to ChildLine immediately.

(b) [The person in charge or his designee shall make a report of suspected child abuse immediately to ChildLine. He] The person in charge or the designee may not make an independent determination of whether to report. The person in charge or [his] the designee shall notify the employee when the report was made to ChildLine.

\* \* \* \* \*

#### § 3490.14. Privileged communication.

The privileged communication between a professional person required to report and [his] the person's patient or client does not apply to situations involving child abuse and may not constitute grounds for failure to report as required by section 6311 of the CPSL (relating to persons required to report suspected child abuse) and this chapter.

**§ 3490.15. Taking a child into protective custody.**

(a) The following persons may take a child into protective custody:

\* \* \* \* \*

(2) The director of a hospital or other medical facility or a physician examining or treating a child under **[ the requirements of ]** section **[ 8 ] 6315** of the CPSL (**relating to taking child into protective custody**) (**[ 11 P. S. § 2208 ]**) and subsection (b).

(b) The director or physician may take a child into protective custody if **[ he determines that ]** protective custody is immediately necessary in the director's or physician's judgment to protect the child from further serious physical injury, sexual abuse<sup>[ , ]</sup> or serious physical neglect—as indicated by the following examples:

\* \* \* \* \*

(3) The parents, **guardians or other custodians**, after being advised that the child's physical condition constitutes a medical emergency will make no immediate arrangements for medically adequate alternative treatment.

(c) A child may not be held in protective custody for more than 24 hours unless the appropriate **[ CPS ] county agency** is immediately notified that the child has been taken into protective custody and the **[ CPS ] county agency** obtains a court order permitting the child to be held in protective custody for a longer period of time.

**§ 3490.16. Notifying the [ CPS ] county agency.**

If a person takes a child suspected of being abused into protective custody, the person shall immediately notify the **[ CPS ] county agency** in the county where the child is being held that the child is in protective custody.

**§ 3490.17. Notifying the child's parents, guardians or other custodians.**

If a person takes a child into protective custody, the person shall **[ orally ] verbally** notify the child's parents, **guardians or other custodians** immediately and in writing within 24 hours, of the following:

(1) The child's whereabouts **unless prohibited by a court order**.

\* \* \* \* \*

(3) The telephone number of the local **[ CPS ] county agency**.

**§ 3490.18. Filing of a written report by a required reporter.**

Within 48 hours of reporting to ChildLine, a required reporter shall make a written report on forms provided by the Department to the **[ CPS ] county agency** in the county where the suspected abuse occurred. The written report shall include the following information, if available:

(1) The names and addresses of the child and the parents **or other persons responsible for the care of the child**.

\* \* \* \* \*

(3) The **[ child's ]** age and sex of the subjects of the report.

\* \* \* \* \*

(6) The name of the alleged **[ perpetrator ]** perpetrators of the suspected abuse **and any evidence of prior abuse by those persons**.

\* \* \* \* \*

**§ 3490.19. Reporting to the coroner.**

A required reporter who suspects that a child died as a result of child abuse shall send a duplicate of the report sent to the **[ CPS ] county agency** to the coroner of the county in which the death occurred.

**§ 3490.20. Other medical information.**

A required reporter may photograph **[ areas of trauma visible on ]** a child who is the subject of a report and, if **[ medically ] clinically** indicated, ensure that a radiological examination **and other medical tests** of the child **[ is ]** are performed. A medical summary or report of photographs or X-rays taken shall be sent to the **[ CPS ] county agency** at the time the written report is sent, or as soon thereafter as possible. The **[ CPS ] county agency** shall be provided access to the actual photographs and X-rays and may obtain them or duplicates upon request.

**§ 3490.21. Release of information on prior abuse reports.**

(a) A physician or director of a hospital or other medical facility may request information from the **[ CPS ] county agency** on prior abuse involving **[ a ]** the child being examined or treated **by the physician or director of the hospital or other medical facility**.

(b) The **[ CPS ] county agency** shall provide the physician or director **treating or examining the child** with the requested information on prior abuse involving the child.

**DEPARTMENTAL RESPONSIBILITIES****§ 3490.31. Receipt of reports.**

The Department will establish a single Statewide toll-free telephone number (800) 932-0313—referred to as ChildLine—available at all times to receive reports of suspected child abuse. **ChildLine shall only accept for investigation reports of suspected child abuse when the child is under 18 years of age at the time of the report.**

**§ 3490.32. ChildLine reporting to [ CPS ] the county agency.**

(a) ChildLine shall immediately transmit reports of suspected child abuse **[ orally ] verbally** to the **[ CPS ] county agency** of the county where the suspected abuse occurred. **If the child resides in a different county, ChildLine will notify that county also.**

(b) **If the child was allegedly abused in more than one county or on an ongoing basis, ChildLine will assign the report to the county where the most recent alleged abuse occurred.**

(c) The county agency which receives the report initially is responsible to contact the other counties as set forth in subsections (a) and (b) in conducting the investigation. If it appears that a county other than the one to which the report was referred should conduct the investigation, the agencies shall decide between themselves which one is responsible for the report. The county which received the

report initially shall notify ChildLine of any change so that ChildLine's records are accurate and up-to-date.

(d) If the counties are unable to agree about which one is responsible to conduct the investigation and make the status determination, the county to which the report was assigned shall contact its regional children and youth office. The region will resolve the difference.

(e) The report of the investigation shall be submitted to ChildLine within 30 calendar days of when the report was received at ChildLine.

(f) The ChildLine report to the [CPS] county agency shall contain [:

(1) The substance of the allegations of abuse.

(2) The number, status, nature and extent of reports of child abuse under investigation in the pending complaint file and Statewide Central Register concerning any subject of the current report.

(3) The county in which the prior alleged—or actual—abuse was investigated ] all of the information on the current report of suspected abuse and all information on file at ChildLine on previous reports except for information obtained by the Department as a result of a request to expunge an indicated or founded report of child abuse or an indicated report of student abuse.

[ (b) ] (g) \* \* \*

#### § 3490.33. Files.

ChildLine will establish and maintain files [ , under section 14 of the CPSL (11 P. S. § 2214) ] the following files for reports of child abuse:

(1) A pending complaint file which contains reports of child abuse that are one of the following:

\* \* \* \* \*

(ii) Pending juvenile or criminal court action.

[ (iii) Unfounded awaiting expunction. ]

(2) A Statewide Central Register which contains [ copies ] the following:

(i) Copies of founded and indicated reports of child abuse.

(ii) A subfile of the names of perpetrators of indicated and founded reports of child abuse if the individual's Social Security number or date of birth is known to the Department. The subfile shall be retained indefinitely.

(3) A statistical file which contains copies of reports of suspected, indicated and founded reports of child abuse after information which could directly or indirectly identify a subject of a report has been expunged.

(4) A file of unfounded reports awaiting expunction.

#### § 3490.34. Pending complaint file.

(a) Upon receipt of a report of suspected child abuse, ChildLine will enter the information specified in section [ 14(i) ] 6336 of the CPSL [ (11 P. S. § 2214(i)) ] (relating to information in Statewide Central Register) into the pending complaint file.

(b) Notwithstanding subsection (c), reports which are determined pending juvenile or criminal court action shall be maintained in the pending complaint file until the [CPS] county agency notifies ChildLine of the final status.

(c) If within 60 calendar days from the date of the initial report of suspected child abuse a status determination has not been received at ChildLine, the report shall be considered unfounded.

(d) Unfounded reports shall be expunged at ChildLine within [ 12 months ] 120 calendar days after the date of the initial report to ChildLine.

(e) Reports which are unfounded awaiting expunction may not be released from the pending complaint file except to a subject of a report upon written request, employees of the Department under this subchapter and employees of the Office of Attorney General under section 6345 of the CPSL (relating to audits by Attorney General).

#### § 3490.35. Statewide Central Register.

When a report of suspected child abuse is determined founded or indicated, ChildLine shall enter the report in the Statewide Central Register, if there is sufficient documentation to justify entry into the Statewide Central Register, and expunge the report from the pending complaint file.

#### § 3490.36. Providing information to the [CPS] county agency.

(a) ChildLine shall release information to a [CPS orally] county agency verbally only when both of the following [ exist ] apply:

(1) The [CPS] county agency is making a report of suspected child abuse.

(2) ChildLine has identified that the person is a representative of the [CPS] county agency.

(b) When ChildLine receives [an oral] a verbal request from a [CPS] county agency, only the information specified in § 3490.32 [ (a)(2) ] (f) (relating to ChildLine reporting to [CPS] the county agency) may be released from the pending complaint file and Statewide Central Register.

(c) Upon receipt of a written request from the [CPS] county agency for information regarding a subject of a report, ChildLine will forward copies of all reports on file which are under investigation, founded or indicated involving that subject to the [CPS] county agency, except information obtained by the Department in response to a request to amend or expunge an indicated or founded report of child abuse.

#### § 3490.37. Release of information: Statewide Central Register [and], pending complaint file and file of unfounded reports.

(a) A request for information from the Statewide Central Register [or], pending complaint file or file of unfounded reports by persons permitted access to this information, other than the [CPS] county agency, shall be in writing and signed by the person requesting the information.

\* \* \* \* \*

**§ 3490.38. Authorized studies of child abuse data.**

The Department may conduct or authorize studies of the data contained in the pending complaint file, the Statewide Central Register, the statistical file[, ] and [CPS] the county agency files and distribute the results of the studies if no study contains the name of a subject or other information by which a subject of a report can be directly or indirectly identified. Requests to conduct studies shall be made to the Deputy Secretary, Office of Children, Youth and Families of the Department. The researcher shall secure the concurrence of the appropriate county agency administrator to use the [CPS] county agency files.

**§ 3490.39. Expunction from the Statewide Central Register.**

(a) Except as provided in subsection (b), ChildLine shall expunge founded and indicated reports when a subject child reaches [age 18 under section 14(n) of the CPSL (11 P. S. § 2214(n))] 23 years of age.

(b) If [another abuse report involving the same child, his sibling or offspring or another child in the care of the person responsible for the child's welfare has been received, ChildLine shall expunge founded and indicated reports when each of the children involved reaches age 23] the Social Security number or date of birth of the perpetrator is known in founded or indicated reports of child abuse, the following information shall be maintained:

- (1) The name, Social Security number, date of birth and sex of the perpetrator.
- (2) The date of birth and sex of the child.
- (3) The date and the nature and extent of the abuse.
- (4) The county in which the abuse occurred.
- (5) The relationship of the perpetrator to the child.
- (6) Whether the report was a founded or indicated report.
- (7) The results of any criminal prosecution.

(c) The information in subsection (b) shall remain in the subfile under § 3490.33(2)(relating to files).

**§ 3490.40. Notifications regarding indicated reports.**

(a) When [founded and] indicated reports of child abuse are entered into the Statewide Central Register, ChildLine will notify all subjects by first class mail, other than the [victim] subject child, of:

\* \* \* \* \*

(2) [Their] The perpetrator's right to request the Secretary to amend [, seal] or expunge the report.

\* \* \* \* \*

(4) [Their right to services] Services available from the county agency.

(5) The effect of the report upon future employment opportunities in a child care service [under section 23.1 of the CPSL (11 P. S. § 2223.1)].

(6) The fact that the name of the perpetrator and nature of the abuse will be kept on file indefinitely if the Social Security number or date of birth of the perpetrator is known.

(b) ChildLine will notify the [CPS] county agency and the perpetrator of any expunction of a report of child abuse, except when the expunction is the result of the Secretary's decision, in which case the [CPS] county agency and all subjects shall be notified.

(c) ChildLine will notify the [CPS] county agency and all subjects of the Secretary's decision to amend or seal a report of child abuse.

**§ 3490.40a. Notifications regarding founded reports.**

When founded reports of child abuse are entered into the Statewide Central Register, ChildLine will notify all subjects by first class mail, other than the subject child, of the:

- (1) Status of the report.
- (2) Effect of the report upon future employment opportunities in a child care service and a school.
- (3) Fact that the name of the perpetrator or school employe and nature of the abuse will be kept on file indefinitely if the Social Security number or date of birth of the perpetrator or school employe is known.

**§ 3490.41. Determination of time.**

ChildLine will use the United States Postal Service postmark to determine when the Department is informed by the [CPS] county agency of the status determination of a report.

**§ 3490.42. Performance audit and reviews.**

(a) The Secretary may direct that a performance audit be conducted of any activity related to the implementation of the CPSL and this chapter.

(b) The Department will determine in its annual licensing and inspection process whether the county agency has sufficiently documented reasons why, if applicable, all child abuse investigations have not been completed within the 30-day period.

(c) The Department will provide the results of performance audits and reviews to the affected agencies consistent with the confidentiality provisions of this chapter. Information provided will include an assessment of compliance with the provisions of this chapter and recommendations relating to practice issues, if appropriate.

**§ 3490.43. Issuance of bulletins.**

The Department may periodically issue bulletins for the purpose of clarifying and interpreting this chapter and for the dissemination of practice standards as identified in performance audits and reviews or other activities of the Department in implementing this chapter.

**COUNTY RESPONSIBILITIES**

**§ 3490.51. [Child protective services] (Reserved).**

[Except as provided in section 16(a) and (e) of the CPSL (11 P. S. § 2216(a) and (e)), a county shall establish a CPS within the county agency. The CPS shall perform those functions specifically assigned to it by the CPSL and this chapter.]

### § 3490.52. Receipt of reports.

The county agency shall provide **[ 24-hour ] 24-hours-per-day/7-days-per-week** telephone access for persons to report suspected child abuse.

### § 3490.53. Functions of the **[ CPS ] county agency for child protective services.**

(a) The **[ CPS ] county agency** is the sole civil agency responsible for receiving and investigating reports of child abuse except reports of abuse allegedly perpetrated by an agent. The **[ CPS ] county agency** shall investigate allegations of abuse of children residing in facilities operated directly by the Department.

(b) The **[ CPS ] county agency** shall protect the safety of the subject child and other children in the home or facility.

(c) The **[ CPS ] county agency** shall determine the status of reports of suspected child abuse.

**(d) The county agency may not determine a child to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.**

**[ (d) ] (e)** If the **[ CPS ] county agency** concludes that the child is in danger of further abuse, the **[ CPS ] county agency** shall do the following:

\* \* \* \* \*

**[ (e) ] (f)** The **[ CPS ] county agency** shall provide direct case management of services provided to abused children and their families until the **[ CPS ] county agency** is reasonably assured that the child is no longer in danger of abuse. The reasons for termination of **[ CPS ] the county agency** involvement shall be recorded in the case record.

### § 3490.54. Independent investigation of reports.

Except for reports investigated by the Department, the **[ CPS ] county agency** shall investigate and make independent determinations on reports of suspected child abuse, regardless of another investigation conducted by another agency, the court or the police and regardless of whether or not the person making the report identified himself. **A county agency may rely on an investigation of substantially the same allegations by a law enforcement agency to support the county agency's finding regarding a child abuse report.**

### § 3490.55. Investigation of reports of suspected child abuse.

(a) Except as provided in subsection (b), the **[ CPS ] county agency** shall begin its investigation within 24 hours of receiving a report of suspected child abuse. Upon beginning its investigation, the **[ CPS ] county agency** shall see the child **[ as soon as possible ] within 24 hours of receipt of the report.**

(b) The **[ CPS ] county agency** shall begin the investigation immediately upon receipt of a report of suspected child abuse and see the child immediately if one of the following applies:

(1) Emergency protective custody has been **[ or shall be ] taken or is needed.**

\* \* \* \* \*

(c) After ensuring the immediate safety of the child and other children in the home, the **[ CPS ] county agency** shall **[ orally ] verbally** notify ChildLine of the receipt of the report, if it was not received initially from ChildLine.

(d) When conducting its investigation, the **[ CPS ] county agency** shall, if possible, conduct an interview with those persons who are known to have or may reasonably be expected to have, information relating to the incident of suspected child abuse including **[ , but not limited to, all of ]** the following:

\* \* \* \* \*

**(6) Neighbors and relatives who may have knowledge of the abuse.**

**(7) Day care providers or school personnel, or both, if appropriate.**

(e) The **[ CPS ] county agency** shall record in writing the facts obtained as a result of the **[ interview ] interviews** conducted under subsection (d) and any other **[ interview ] interviews** it conducts.

(1) When conducting its investigation, the **[ CPS ] county agency** shall maintain a written record of the facts obtained from each interview it conducts.

(2) At the conclusion of its investigation, when the report is determined indicated **[ or ], founded[ , ] or unfounded and accepted for services, under § 3490.59 (relating to action by the county agency after determining the status of the report),** the **[ CPS ] county agency** shall enter a written summary of the facts obtained from each interview in the case record.

(f) When investigating a report of suspected child abuse in which a child has sustained visible injury, the **[ CPS ] county agency** shall, whenever possible and appropriate, take, cause to be taken **[ , ]** or obtain a color photograph of the injury.

\* \* \* \* \*

(2) The **[ CPS ] county agency** shall maintain photographs it secures in the case record. Photographs shall be identified by **[ all of ]** the following:

\* \* \* \* \*

(g) When investigating a report of suspected **[ child abuse ] serious mental injury, sexual abuse or sexual exploitation or serious physical neglect,** the **[ CPS ] county agency** shall, whenever appropriate, obtain medical evidence or expert consultation, or both. The **[ CPS ] county agency** shall maintain a record of medical evidence or expert consultation, or both, obtained during its investigation including one of the following:

\* \* \* \* \*

**(h) If the investigation indicates serious physical injury, a medical examination shall be performed on the subject child by a certified medical practitioner. If there is reasonable cause to suspect there is a history of prior or current abuse, the medical practitioner has the authority to arrange for further medical tests or the county agency has the authority to request further medical tests.**

§ 3490.56. **[ CPS ] County agency** investigation of suspected child abuse perpetrated by persons employed or supervised by child **[ caring agencies ] care services** and residential facilities.

(a) In addition to complying with other applicable sections of the CPSL and this chapter, when investigating a report of suspected child abuse perpetrated by a person **who operates, is** employed by or acting as a volunteer for a child care **[ agency ] service, including a child day care center, a group or family day care home or a residential facility,** the **[ CPS ] county agency,** shall, within 24 hours of receipt of the report, **[ orally ] verbally** notify the following of the content of the report:

(1) The person in charge of the facility or **[ agency ] child care service** where the alleged abuse occurred.

\* \* \* \* \*

(3) The person in charge of the **county agency** with custody or supervision of the child.

(4) **The regional office of the Department that is responsible to license, register or approve the child care service or residential facility.**

(b) **The person in charge of the child care service or residential facility shall implement a plan of supervision or alternative arrangements to ensure the safety of the child and other children who are in the care of the child care service or facility during the investigation. The plan of supervision or alternative arrangements shall be in writing, approved by the county agency and kept on file by the county agency until the investigation is completed. When the plan is approved by the county agency, the county agency shall immediately send a copy of the approved plan to the appropriate regional licensing director or designee.**

**[ (b) ] (c)** The **[ CPS ] county agency** shall inform the persons listed in subsection (a) in writing of the results of the investigation.

**[ (c) ] (d)** The **[ CPS ] county agency** shall develop or revise the family service plan as required by Chapter 3130 (relating to administration of county children and youth social service programs) for the child and perpetrator if the report is founded or indicated and the case has been accepted for service.

**[ (d) ] (e)** If the report is founded or indicated, the **[ CPS ] county agency** shall request a written statement from the person in charge of the **[ agency ] child care service** or facility regarding the steps planned and taken to ensure the future safety of the subject child and other children in the care of the **[ agency ] child care service or facility. The request shall be made within 5 calendar days of when the status determination was made. The person in charge of the child care service or facility shall submit a written response to the county agency within 10 calendar days of the mailing date of the county agency's letter. If the plan is unacceptable to the county agency, the county agency shall take appropriate action to ensure the safety of the children in the child care service or facility.**

**[ (e) ] (f)** If the facility or **[ agency ] child care service** is operated, **registered,** licensed or approved by the Department, the **[ CPS ] county agency** shall send a copy of the completed form required by § 3490.67

(relating to written reports to ChildLine)—filed with ChildLine—and a copy of the written statement required by subsection **[ (d) ] (e)** to the regional **[ staff ] director or the director's designee** in the region where the founded or indicated abuse occurred.

#### § 3490.57. Protective custody.

(a) The **[ CPS ] county agency** shall comply with **[ 42 Pa.C.S. Chapter 63 (relating to ) the Juvenile Act( ) ],** the CPSL and this chapter when taking a child into custody. **Protective custody under this chapter may not be maintained longer than 72 hours without an informal hearing under section 6332 of the Juvenile Act (relating to informal hearing). If, at the informal hearing, it is determined that protective custody shall be continued and the child is alleged to be a dependent child under section 6302 of the Juvenile Act (relating to definitions), the county agency shall within 48 hours of the determination file a petition with the court under the Juvenile Act alleging that the child is a dependent child.**

(b) The **[ CPS ] county agency** shall request protective custody only if the **[ child is at risk of immediate abuse and the ]** immediate safety and well-being of the child requires removal from the setting in which the alleged abuse **or neglect** occurred.

(c) A **[ CPS ] county agency** worker may take a child into protective custody only under a specific court order naming the individual child. **[ CPS ] The county agency** staff may not be deputized or use blanket **[ or vacant ]** court orders to take children into protective custody.

(d) A child taken into protective custody may be placed only in the following locations:

\* \* \* \* \*

(2) A home of a relative of the child or **[ nonrelated family home ] other individual who has a significant relationship with the child or the child's family. The home shall be approved by the [ CPS ] county agency** for this purpose.

\* \* \* \* \*

(e) If the **[ CPS ] county agency** initiates emergency protective custody, it shall notify the child's parents as required by § 3490.17 (relating to notifying the child's parents).

(f) Within 48 hours of taking a child into protective custody, the **[ CPS ] county agency** shall do the following:

\* \* \* \* \*

(5) Meet with the parents to advise them of the decision to do one of the following:

\* \* \* \* \*

(ii) Explain to the parents the reasons why the child will continue to be held in protective custody and the nature of future legal proceedings **including the rights under sections 6337 and 6338 of the Juvenile Act (relating to right to counsel; and other basic rights) which are:**

(A) **The right to counsel.**

(B) **The right to introduce evidence and cross examine witnesses at the Juvenile Court hearing.**

**§ 3490.58. Notifications.**

(a) Except for the subject child, the [ CPS shall notify all subjects of the report of the following within 72 hours of receipt of a report of suspected child abuse:

- (1) The existence of the report.
- (2) The right to do the following:
  - (i) Obtain a copy of the report.
  - (ii) Request that indicated and founded reports be amended, sealed or expunged.
- (3) The fact that the report, if determined unfounded, will be expunged within 12 months.
- (4) The purpose of the law, the implications of the status determination of the report and the services available through the CPS.
- (5) The effect that a founded or indicated report of child abuse will have on a person seeking employment in a child care service under section 23.1 of the CPSL (11 P. S. § 2223.1).

(b) Except for the subject child, the CPS shall notify all subjects if it determines that the report is unfounded. The CPS shall provide this notification when it notifies ChildLine of the status of the report.

(c) The notifications required by subsections (a) and (b) shall be in writing and shall be made regardless of where the persons live ] county agency shall notify the subject who is about to be interviewed of:

- (1) The existence of the report including the nature and allegations of the suspected abuse.
- (2) The subject's rights under sections 6337 and 6338 of the Juvenile Act (relating to right to counsel; and other basic rights) when a case goes to Juvenile Court. Those rights are:

- (i) The right to counsel.
- (ii) The right to introduce evidence and cross examine witnesses.
- (3) The perpetrator's rights regarding amendment and expunction.
- (b) Within 72 hours of interviewing the subject, the county agency shall notify the subject in writing of:

- (1) The existence of the report and kind of alleged abuse.
- (2) The rights under sections 6337 and 6338 of the Juvenile Act when a case goes to Juvenile Court. Those rights are:
  - (i) The right to counsel.
  - (ii) The right to introduce evidence and cross examine witnesses.
- (3) The perpetrator's rights regarding amendment and expunction.
- (4) The right to obtain a copy of the report from the Statewide Central Register or the county agency.

(5) The fact that the report, if determined unfounded, will be expunged from the pending complaint file within 120 calendar days from the date the report was received at ChildLine.

(6) The purpose of the law, the implications of the status determination of the report and the services available through the county agency.

(7) The effect that a founded or indicated report of child abuse will have on a person seeking employment in a child care service or in a school.

(8) That the agency has, will or may make a report to law enforcement officials.

(c) The written notice required by subsection (b) may be reasonably delayed if notification is likely to threaten the safety of the victim, the safety of a nonperpetrator subject or the safety of an investigating county agency worker, to cause the perpetrator to abscond or to significantly interfere with the conduct of a criminal investigation. The written notice shall be provided to all subjects prior to the county agency determining the status of the report and regardless of where the person lives.

(d) Except for the subject child, the county agency shall notify all subjects in writing of one of the following when the county agency determines that the report is unfounded:

(1) That the information will be kept on file at the county agency and clearly identified as an unfounded report of suspected child abuse when the family has been accepted for services.

(2) That the report is unfounded and because the family has not been accepted for services that all information will be expunged at the county agency upon notification from ChildLine and that the report will be expunged from the pending complaint file within 120 calendar days of receipt of the report at ChildLine.

(e) The county agency shall provide the notification required under subsection (d) when it notifies ChildLine of the status of the report.

**§ 3490.59. Action by [ CPS ] the county agency after determining the status of the report.**

(a) If the report is determined founded [ or ], indicated or unfounded and the family has been accepted for service, the [ CPS ] county agency shall develop and implement a family service plan and conduct plan reviews under Chapter 3130 (relating to administration of county children and youth social service programs).

(b) If the report is unfounded and [ if ] not accepted for services but the family is in need of services, the [ CPS ] county agency shall advise the subjects of the social services available [ from the county agency and in the community ].

**§ 3490.60. Services available through the [ CPS ] county agency.**

In addition to those services required in Chapter 3130 (relating to administration of county children and youth social service programs), the county agency shall provide, arrange or otherwise make available the following services for the prevention and treatment of child abuse:

(1) Emergency medical services which include appropriate emergency medical care for examination, evaluation and treatment of children suspected of being abused.

(2) Self-help groups [ organized by former abusing parents ] to encourage [ self-reporting and ] self-treatment of present and potential abusers.

(3) Multidisciplinary teams composed of professionals from a variety of disciplines who are consultants to the county agency in its case management responsibilities as required by Chapter 3130 who perform one of the following functions:

(i) Pool their knowledge and skills to assist the [CPS] county agency in diagnosing child abuse.

\* \* \* \* \*

#### **§ 3490.61. Supervisory review and child contacts.**

(a) [Within 10 calendar days of the receipt of the initial report, the CPS] The county agency supervisor shall review each report of suspected child abuse which is under investigation on a regular and ongoing basis to determine the safety of the child and the progress made toward reaching a status determination. The supervisor shall maintain a log of these reviews.

(b) When a case has been accepted for service [, a CPS worker shall see the child as often as necessary but not less often than:

(1) Once a month for 6 months, if the child remains in or returns to the home in which the abuse occurred.

(2) Once a month until the next case review as required by Chapter 3130 (relating to administration of county children and youth social service programs) when the child is either:

(i) Placed out of the home or setting in which the abuse occurred.

(ii) Remains in the same foster family home or residential facility in which the abuse occurred. ] and a family service plan has been developed under Chapter 3130 (relating to the administration of county children and youth social service programs), the county agency supervisor shall, within 10 calendar days of the completion of the family service plan, review the plan to assure that the level of activity, in person contacts with the child, oversight, supervision and services for the child and family which are contained in the plan, are consistent with the level of risk determined by the county agency for the case. Documentation of this review shall be in the case record.

(c) When a case has been accepted for service, the county agency shall monitor the safety of the child and assure that contacts are made with the child, parents and service providers. The contacts may occur by phone or in person but face-to-face contacts with the parent and the child shall occur as often as necessary for the protection of the child but no less often than:

(1) Once a week until the case is no longer designated as high risk by the county agency, if the child remains in or returns to the home in which the abuse occurred and the county agency has determined a high level of risk exists for the case.

(2) Once a month for 6 months or case closure when the child is either:

(i) Placed out of the home or setting in which the abuse occurred.

(ii) Not at a high risk of abuse or neglect.

#### **§ 3490.62. Repeated child abuse.**

(a) The [CPS] county agency worker shall inform the county agency administrator or the [CPS] county agency supervisor, as determined by the administrator, if a child is the victim of a second indicated or founded case of child abuse. The administrator or supervisor shall determine the appropriateness of the family service plan and the completeness of its implementation and whether additional or different services are required to protect the child from continued harm. The [CPS] county agency shall modify the family service plan, if necessary.

(b) If the child is a victim of three or more substantiated incidents of abuse, the county agency administrator or [CPS] supervisor shall arrange for a review by the multidisciplinary team as required by § 3490.60 (relating to services available through the [CPS] county agency). The [CPS] county agency shall modify the family service plan, if necessary and appropriate, to reflect the recommendations of the multidisciplinary team and implement action necessary to fulfill the recommendations.

#### **§ 3490.63. [Waiver of CPS unit] (Reserved).**

[ (a) County executive officers may request the Department to waive the requirement to establish a separate CPS. The request for waiver shall be included in the CPS plan and demonstrate that the following apply:

(1) A separate CPS would not be conducive to the best interests of children within the county who need children and youth social services.

(2) A separate CPS would not be feasible or economical.

(3) The goals and objectives of the CPSL and this chapter will continue to be met if a waiver is granted.

(b) Counties granted waivers of a separate CPS are responsible for implementing other provisions of the CPSL and this chapter. ]

#### **§ 3490.64. [CPS plan] (Reserved).**

[The county shall comply with Chapter 3140 (relating to planning and financial reimbursement requirements for county children and youth social service programs) regarding the development and submission of a plan for the provision of child protective services. ]

#### **§ 3490.65. Staffing and staff qualifications.**

A [CPS] county agency shall have sufficient, qualified staff and be organized to perform the functions required by the CPSL and this chapter. [The CPS shall comply with staffing ratios under Chapter 3130 (relating to administration of county children and youth social service programs). ]

#### **§ 3490.66. [Staff orientation and training] (Reserved).**

[ (a) A staff person performing the functions required by the CPSL and this chapter shall be oriented and trained under Chapter 3130 (relating to administration of county children and youth social service programs). The orientation of new and reassigned staff shall include a review of the following:



(1) The authority and policies of the county agency regarding child protective services.

(2) The provisions of State statutes and regulations governing the county agency and child protective services.

(b) The county agency shall provide or arrange at least 20 hours of training annually for an employee performing the functions required by the CPSL and this chapter. The training shall relate to the employee's needs and functions under the CPSL and this chapter.

(c) The county agency shall maintain a record in an employee's personnel file of the orientation and training provided under subsections (a) and (b). ]

**§ 3490.67. Written reports to ChildLine.**

(a) [ The CPS investigation report shall be sent to ChildLine within 30 days of receipt of the report of suspected child abuse.

(b) If the investigation cannot be completed within 30 days and the CPS has petitioned the court, the CPS shall send a copy of the CPS investigation report form to ChildLine with a status determination of pending juvenile court action. The CPS shall submit a new CPS investigation report form to ChildLine as required in subsection (a) when a final status determination is made.

(c) A supplemental child abuse report form shall be submitted to ChildLine on founded and indicated reports when there is a change in the status determination of the report. ]

The county agency shall send the Child Protective Service Investigation Report form (CY-48) to ChildLine within 30 calendar days of the receipt of the report of suspected child abuse.

(b) If the investigation cannot be completed within 30 calendar days and the county agency has petitioned the Juvenile Court, the county agency shall send a copy of the CY-48 to ChildLine with one of the following status determinations:

(1) Pending juvenile court action.

(2) Indicated, when there is substantial evidence that the child was abused.

(c) If the investigation cannot be completed within 30 calendar days because an arrest has been made or there is criminal court action pending, the county agency shall send the CY-48 to ChildLine with one of the following status determinations:

(1) Pending criminal court action.

(2) Indicated, when there is substantial evidence that the child was abused.

(d) The county agency shall submit a new CY-48 to ChildLine as required in subsection (a) when a final status determination is made under subsections (b) and (c).

(e) A supplemental child abuse report form shall be submitted to ChildLine on founded and indicated reports when additional case information is obtained including dates of birth, identity of the subjects, additional information about the nature of the abuse or the case is presented before a court and there is a change in the status of the report.

**§ 3490.68. Retention of information on unfounded reports.**

(a) [ If a subject of an unfounded report needs and voluntarily accepts services, the county agency may retain those portions of its records which do not indicate that services are needed as a result of a report of alleged child abuse or identify the person who made the report or a person who cooperated in the investigation. ] When the county agency accepts an unfounded report of suspected child abuse for services, the agency shall maintain the records under Chapter 3130 (relating to administration of county children and youth social service programs).

(b) If the [ CPS ] county agency has determined that a report is unfounded, the status of the report may not be changed subsequently to founded or indicated. If additional information surrounding the incident becomes available, the [ CPS ] county agency shall file a new report with ChildLine.

**§ 3490.69. Reports not received within 60 calendar days.**

When the [ CPS investigation report ] Child Protection Services Investigative Report CY 48 form is not filed with ChildLine within 60 calendar days of receipt of the report by ChildLine, the report shall be unfounded.

**§ 3490.70. Expunction, sealing and amendment of report by the [ CPS ] county agency.**

The [ CPS ] county agency shall amend, seal or expunge a record of child abuse upon notification from ChildLine. The county agency shall expunge all information in its possession in unfounded, founded and indicated reports of child abuse upon notification from ChildLine. The [ CPS ] county agency shall notify those to whom they gave information to take similar action.

**§ 3490.71. Guardian ad litem or court designated advocate.**

The [ CPS ] county agency shall cooperate with and provide information to a guardian ad litem appointed under [ 23 Pa.C.S. § ] section 6382 of the CPSL (relating to guardian ad litem for child in court proceedings) or the court designated advocate. When appropriate, because of the age or mental and emotional condition of the child, the guardian ad litem in addition to representing the best interests of the child shall also determine the wishes of the child concerning the proceedings and shall communicate this information to the court.

**§ 3490.72. [ Availability of an attorney for the CPS ] (Reserved).**

[ The county agency shall retain or ensure the availability of an attorney for consultation with and representation of the CPS. ]

**§ 3490.73. Petitioning the court.**

The [ CPS ] county agency shall petition the court if one of the following applies:

\* \* \* \* \*

(2) A subject of the report of suspected child abuse refuses to cooperate with the [ CPS ] county agency in

an investigation, and the [CPS] county agency is unable to determine whether the child is at risk.

(3) The parents refuse services, and [CPS] the county agency determines that services are in the best interests of the child.

# **CHILD ABUSE BY AGENTS OF THE COUNTY AGENCY**

## **§ 3490.81. Responsibilities of the Department and the county agency.**

(a) When the suspected abuse has been committed by an agent of the county agency, the regional staff shall investigate the report under section [16(a)] 6362 of the CPSL (relating to responsibilities of county agency for child protective services) [(11 P. S. § 2216(a))] and this chapter. The regional staff may not do any of the following:

\* \* \* \* \*

## **CONFIDENTIALITY**

## **§ 3490.91. Persons to whom child abuse information shall be made available.**

(a) Reports, report summaries and other accompanying information obtained under the CPSL and this chapter in the possession of the Department [,] and a county agency [and a CPS] are confidential. Except for the subject of a report, persons who receive information under this section shall be advised that they are subject to the confidentiality provisions of the CPSL and this chapter, that they are required to insure the confidentiality and security of the information and that they are liable for civil and criminal penalties for releasing information to persons who are not permitted access to this information. This material shall only be released under the CPSL and this chapter and be made available only to the following:

(1) An authorized official of a [CPS in the course of official duties] county agency or of an agency of another state that performs protective services analogous to those services performed by county agencies or the Department in the course of the official's duties, multidisciplinary team members assigned to the case, and authorized persons providing services by referral or under section [17(8)] 6364 of the CPSL (relating to purchasing services of other agencies) [(11 P. S. § 2217(8))]. The name of the person who made the report or cooperated in the investigation may be released to county agencies in this Commonwealth and out-of-State agencies providing protective services if they have a legitimate need to know this information and they can assure the confidentiality of the identity of the person who made the report or cooperated in the investigation.

\* \* \* \* \*

(3) A guardian ad litem or court designated advocate for the child.

(4) An authorized official or agent of the Department including the following:

\* \* \* \* \*

(iv) Authorized officials or agents of the Department who are conducting a performance audit as authorized [by] of the CPSL under section 6343 (relating to investigating performance of county agency) and this chapter.

(5) A court of competent jurisdiction under a court order or a court of common pleas upon written request from a judge in connection with any matter involving custody of a child.

(i) When the Department receives a written request under this subsection, ChildLine will send to the court copies of the following:

(A) The Report of Suspected Child Abuse (CY 47).

(B) The ChildLine Report of Suspected Child Abuse and Neglect For ChildLine Use Only (CY 47C).

(C) The Child Protective Service Investigation Report (CY 48).

(D) The Child Protective Service Supplemental Report (CY 49) on file at ChildLine involving the subject child, the child's siblings and their parents.

(ii) If the court requests specific files or information that is not on file at ChildLine, ChildLine will notify the county agency administrator to provide the information directly to the court. The information provided by the county agency is limited to child abuse information from when the report of suspected abuse was made to when the county agency determined the status of the report.

(6) A standing committee of the General Assembly, under section [24] 6384 of the CPSL (relating to legislative oversight) [(11 P. S. § 2224)].

\* \* \* \* \*

(8) Federal auditors, if required for Federal financial participation in funding of agencies, but Federal auditors may not [have access to identifying information] remove identifiable reports or copies of them from the Department or county agencies.

(9) Law enforcement officials of any jurisdiction inside or outside of this Commonwealth if the information is relevant in the course of investigating cases of [the following]:

\* \* \* \* \*

(iv) A report of a missing child when the child or the child's sibling is the subject of a report on file at ChildLine.

(10) Law enforcement officials who shall receive reports of suspected child abuse from the [CPS] county agency, when the initial report or initial review by the [CPS] county agency gives evidence that the alleged abuse is one of the following:

\* \* \* \* \*

(11) [County executive officers, to whom the Department will forward specific files, upon request, for review if investigating the competence of county children and youth employees.] Designated county officials in reviewing the competence of the county agency or its employees under the CPSL and this chapter. Officials under this paragraph are limited to the following:

(i) The board of commissioners in counties other than counties of the first class.

(ii) The mayor of a city of the first class under the First Class City Home Rule Act (53 P. S. §§ 13101—13157).

(iii) **An individual serving as a county chief executive as designated by a county home rule charter or optional plan form of government.**

(12) A subject of the report **[ as required by § 3490.104 (relating to release of information to a subject of a report) ]**.

(13) A person, agency or institution, upon written consent of all subjects of the report **may receive a copy of the reports on file with the county agency and ChildLine.**

\* \* \* \* \*

(15) Required reporters **of suspected child abuse** whose access to information is limited to the following:

\* \* \* \* \*

(ii) Services provided **[ , ]** or arranged **[ for or to be provided ]** by the **[ CPS ] county agency** to protect the child from further abuse. This information may be released to the required reporter at any time after the report of suspected child abuse has been made.

(16) A prospective adoptive parent, approved by an adoption agency, when considering adopting an abused child in the custody of a county agency. The adoption agency and the county agency having custody of the child shall determine the scope and detail of information which must be provided so that the prospective parent may make an informed decision to adopt.

(b) **[ Effective January 1, 1986, prospective ] Prospective** child care service employe applicants, prospective adoptive and foster parents, prospective administrators and prospective operators of child care services, and **[ persons ] any person** seeking voluntary certification may request and receive information concerning whether there exists on file in the **Statewide** Central Register indicated or founded reports of child abuse naming the person as perpetrator of child abuse under section **[ 23.1 ] 6344** of the CPSL **(relating to information relating to prospective child-care personnel)** **[ (11 P. S. § 2223.1) ]**.

(c) **Information on file at the Statewide Central Register as a result of a request to amend, seal or expunge a founded or indicated report of child abuse under §§ 3490.105 and 3490.105a (relating to request by the subject of a founded or indicated report for expunction, amendment or sealing of an abuse report filed with ChildLine prior to July 1, 1995; and request by a perpetrator to amend or expunge an indicated report of child abuse received by ChildLine after June 30, 1995) may only be released to the Secretary or the Secretary's designees in the course of their official duties and the Attorney General when conducting an audit under section 6345 of the CPSL (relating to audits by Attorney General).**

(d) A person, including a law enforcement official, who willfully breaches the confidentiality or security of information that the person received under this section, in addition to other civil or criminal penalties provided by law, shall be denied access to any confidential child abuse information in the future.

#### **§ 3490.92. Requests by and referrals to law enforcement officials.**

(a) Requests for child abuse information by law enforcement officials under § 3490.91(a)(9) (relating to persons to whom child abuse information shall be made available) shall be made with the following requirements:

\* \* \* \* \*

(2) Requests shall indicate that the child abuse information is needed by the law enforcement official in the course of investigating a case of the following:

\* \* \* \* \*

#### **(iv) A missing child report.**

(3) **The information shall include the name of the persons who made the report and who cooperated in the investigation when requested by the law enforcement official.**

(b) Referrals to law enforcement officials required by § 3490.91(a)(10) shall be made with the following requirements:

(1) Referrals shall be made by the **[ CPS ] county agency** to the district attorney or other appropriate law enforcement official **[ on forms provided by the Department ]**.

(2) Referrals shall be made if the initial **report to or initial** review by the **[ CPS ] county agency** gives evidence that the alleged abuse perpetrated by persons whether or not related to the child is one of the following:

\* \* \* \* \*

(3) Referrals shall be made if the initial **report to or initial** review by the **[ CPS ] county agency** give evidence that the alleged abuse is child abuse perpetrated by persons who are not family members.

(4) If during the course of investigating a report of suspected child abuse, the **[ CPS ] county agency** obtains evidence which indicates that referral to law enforcement officials is appropriate, the **[ CPS ] county agency** shall immediately refer the report to the law enforcement official.

(5) The **[ CPS ] county agency [ shall ]** may not refer to law enforcement officials reports of suspected child abuse which do not meet the requirements of paragraphs (2) and (3).

(6) **Reports shall be made verbally under policies and procedures developed in conjunction with the district attorney and other law enforcement officials.**

(7) **Reports shall be made in writing on the next work day when the report is made verbally or within 24 hours of when the county agency determines that the report meets the criteria for making a report to law enforcement officials. Written reports shall be made on forms developed by the Department.**

(8) **The county agency shall release the names of the persons who made the report or cooperated in the investigation to law enforcement officials upon request.**

(c) **If the complaint of suspected abuse is determined to be one which cannot be investigated by the county agency because the person accused of the abuse is not a perpetrator, but does suggest the**

need for investigation, the county agency shall immediately transmit the information to the appropriate authorities.

**[(c)] (d)** The **[CPS shall]** county agency may not provide information to a law enforcement official under this section, unless the law enforcement official **is known to or** has exhibited proper identification to the **[CPS]** county agency.

**(e)** Law enforcement officials shall treat all reporting sources and persons who cooperated in the investigation as confidential informants.

§ 3490.93. Requests by **designated** county **[executive officers]** officials.

Requests for child abuse information by **designated** county **[executive officers]** officials under § 3490.91(a)(11) (relating to persons to whom child abuse information shall be made available) shall be made under the following requirements:

(1) Requests shall be made in writing and addressed to **[the Deputy Secretary of the Office of Children, Youth and Families]** the county administrator.

(2) Requests shall be signed by **[a]**:

**(i)** A majority of the county **[executive officers]** commissioners.

**(ii)** The mayor of a city of the first class.

**(iii)** The county chief executive.

(3) Requests shall indicate that the information is needed by the **designated** county **[executive officers]** officials as part of an investigation of the competence of a county **[children and youth]** agency or county agency employee.

(4) Requests shall identify the specific files needed **[by the county executive officers]**.

(5) The county agency shall provide the requested information and inform the designated county officials that the information may not be released to anyone except those permitted access to this information under § 3490.91 (relating to persons to whom child abuse information shall be made available) and that they are subject to § 3490.102 (relating to criminal liability for breach of confidentiality).

§ 3490.94. Release of the identity of a person who made a report of child abuse or cooperated in a subsequent investigation.

**(a)** **[The]** Except for the release of the identity of the persons who made a report of suspected child abuse or cooperated in the investigation under §§ 3490.91(a)(9) and (10) and 3490.92(a)(3) (relating to persons to whom child abuse information shall be made available; and requests by and referrals to law enforcement officials), the release of data that would identify the person who made a report of suspected child abuse or person who cooperated in a subsequent investigation is prohibited, unless the Secretary finds that the release will not be detrimental to the safety of the person.

**(b)** Prior to releasing information under subsection (a) to anyone other than a law enforcement official under subsection (a), the Secretary will notify

the person whose identity would be released that **[he]** the person has **[45]** 30 calendar days to advise the Secretary why this anticipated release would be detrimental to **[his]** the person's safety.

**§ 3490.95. Release of information to required reporters.**

The release of information by the **[CPS]** county agency to required reporters under § 3490.91(a)(15) (relating to persons to whom child abuse information shall be made available) is subject to the following:

(1) The information released by the **[CPS]** county agency shall concern the same child who was the subject of the report made by the required reporter **[who is requesting the information]**.

(2) The required reporter shall request the information, either **[orally]** verbally or in writing.

(3) Before releasing the allowable information, the **[CPS]** county agency shall verify the identity of the required reporter in one of the following ways:

**(i)** The **[CPS]** county agency shall be able to recognize the voice of the required reporter when the request is made **[orally]** verbally by telephone.

**(ii)** If the **[CPS]** county agency is not familiar with the required reporter and does not recognize the reporter's voice, the **[CPS]** county agency may verify the request of the required reporter by returning the telephone call to the reporter's place of employment.

**(iii)** If the **[CPS]** county agency is unable to verify a telephone request for information from a required reporter under subparagraphs (i) and (ii), the **[CPS]** county agency shall obtain a written request for information from the required reporter.

(4) The **[CPS]** county agency shall release the information under § 3490.91(a)(15) when requested by a required reporter.

(5) The **[CPS]** county agency may release the information under § 3490.91(a)(15) either **[orally]** verbally or in writing, to the required reporter whether or not a request for information was received.

(6) The **[CPS]** county agency shall inform the required reporter of **[his]** the reporter's obligation to protect the confidentiality of information released as required under **[section 15]** sections 6339 and 6340 (relating to confidentiality of reports; and release of information in confidential reports) of the CPSL **[(11 P. S. § 2215)]**.

(7) The **[CPS]** county agency shall make an entry of the request made by the required reporter and the response given in the case record.

**[(8)]** This section applies to reports of suspected child abuse made on or after January 5, 1988. ]

#### **[OTHER] GENERAL REQUIREMENTS FOR CHILD PROTECTIVE SERVICES**

**§ 3490.102. Criminal liability for breach of confidentiality.**

**[Any]** A person who willfully releases or permits the release of data or information contained in the pending complaint file, the Statewide Central Register, or the

county agency records, to persons or agencies not permitted by this chapter to receive this information shall be guilty of a misdemeanor of the third degree. **In addition, the person shall be denied access in the future to any information that the person would otherwise be entitled to receive under the CPSL and this chapter.**

**§ 3490.103. Nonabuse reports received by the county agency or other public agency from ChildLine.**

Public agencies, including county agencies, shall evaluate those referrals from ChildLine made under section [ 14(f) ] 6334 of the CPSL (relating to disposition of reports) [ (11 P. S. § 2214(f)) ] which have not been identified as reports of suspected child abuse. If, after the evaluation, the agency has reason to [ believe ] suspect that child abuse occurred, the agency shall make a report of suspected abuse to ChildLine.

**§ 3490.104. Release of information to a subject of a report.**

(a) Upon written request to a [ CPS ] county agency or ChildLine, a subject of a report may receive at any time a copy of the reports filed with the [ CPS ] county agency and ChildLine. The identity of the person who made the report or a person who cooperated in a subsequent investigation may be released only under § 3490.94 (relating to release of the identity of a person who made a report of child abuse or cooperated in a subsequent investigation).

(b) Upon written request, a defendant in a criminal proceeding is entitled to the child abuse information in the possession of a county agency in accordance with applicable law. The information is limited to the county agency record from the date the report was made to the date the county agency determined the status of the report. The county agency shall send the requested information to the district attorney, who will decide what information will be released. The information that is released to the district attorney may not contain the identity of the person who made the report or cooperated in the investigation.

**§ 3490.105. Request by the subject of a founded or indicated report for expunction, amendment or sealing of an abuse report received by ChildLine prior to July 1, 1995.**

\* \* \* \* \*

(b) The Secretary will decide whether to grant or deny a request made under subsection (a) within 30 days from the date the request is received. The Secretary will notify subjects of the report and the appropriate [ CPS ] county agency of [ his ] the decision by first-class mail.

**§ 3490.105a. Request by a perpetrator to amend or expunge an indicated report of child abuse received by ChildLine after June 30, 1995.**

(a) A perpetrator of an indicated report of child abuse may request the Secretary to amend or expunge the report on the grounds that it is inaccurate or is being maintained in a manner inconsistent with the CPSL and this chapter. The request shall be in writing and postmarked within 45 calen-

dar days of the mailing date of the letter from ChildLine under §§ 3490.40 and 3490.40a (relating to notifications regarding indicated reports; and notifications regarding founded reports).

(b) The Secretary will decide within 30 calendar days whether or not to grant the request. The Secretary will notify the perpetrator, the county agency and other subjects in writing under one of the following:

(1) Except the subject child, all other subjects of the report when the decision is to grant the request.

(2) Only the perpetrator when the decision is to deny the request.

(c) The notification from the Secretary will be sent by first-class mail.

**§ 3490.105b. Request by a nonperpetrator subject to amend an indicated report of child abuse received after June 30, 1996.**

Except for the status of an indicated or founded report of child abuse, a nonperpetrator subject may request the Secretary to amend a report received at ChildLine on or after July 1, 1996, on the basis that the information in the report is inaccurate.

**§ 3490.106. Hearings and appeals proceedings for reports received by ChildLine prior to July 1, 1995.**

(a) A subject of the report and the appropriate [ CPS ] county agency have the right to appeal the Secretary's decision to grant or deny a subject's request to amend, seal or expunge an indicated or founded report by filing an appeal with the Secretary.

(b) Appeals shall be in writing to the Secretary and be postmarked [ no later than ] within 45 calendar days from the date of the Secretary's notification letter to either grant or deny the request.

(c) If a subject or [ CPS ] county agency files an appeal under § 3490.105(a) (relating to request by the subject of a founded or indicated report for expunction, amendment or sealing of an abuse report received by ChildLine prior to July 1 1995), the subject or [ CPS ] county agency has the right to a hearing before the Department's [ Office ] Bureau of Hearings and Appeals.

\* \* \* \* \*

(f) The burden of proof in hearings held under this section is as follows:

(1) If a subject or [ CPS ] county agency appeals the Secretary's decision to grant a request to amend, seal or expunge an indicated or founded report, the subject or [ CPS ] the county agency that filed the appeal bears the burden of proof.

(2) The [ CPS ] county agency bears the burden of proof if a subject appeals the Secretary's decision to deny the request to amend, seal or expunge a report of child abuse.

(g) **[ The fact of a ]** A court finding of fact of child abuse is presumptive evidence that the report was substantiated.

(h) Parties to a hearing held under this section have 30 days from the date of the final order of the **[ Office ] Bureau of Hearings and Appeals** to request the Secretary to reconsider the decision or appeal the final order to Commonwealth Court.

**§ 3490.106a. Hearings and appeals proceedings for indicated reports received by ChildLine after June 30, 1995.**

(a) A perpetrator may appeal the Secretary's decision to deny the request to expunge an indicated report by filing an appeal with the Secretary.

(b) The other subjects of the report and the county agency may appeal the Secretary's decision to grant the request to expunge the report.

(c) The request shall be made to the Secretary and postmarked within 45 calendar days of the date of the notification letter from the Secretary to either grant or deny the request to expunge the report.

(d) If an appeal is taken, there is a hearing before the Department's Bureau of Hearings and Appeals.

(e) Except as provided in subsection (f), hearings will be conducted under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedures).

(f) Hearings will be scheduled and final administrative action taken in accordance with the time limits specified in § 275.4(b) and (e)(1), (3) and (5) (relating to procedures).

(g) The burden of proof in hearings held under this section is upon:

(1) The subject or county agency when the subject or county agency appeals the Secretary's decision to grant a request to expunge an indicated report.

(2) The perpetrator when the perpetrator appeals the Secretary's decision to deny the request to amend or expunge an indicated report of child abuse.

(h) Parties to a hearing held under this section have 15 days from the mailing date of the final order of the Bureau of Hearings and Appeals to request the Secretary to reconsider the decision or 30 days to appeal the final order to Commonwealth Court.

(i) An administrative appeal proceeding will be automatically stayed upon notice to the Department by any subject or the county agency that there is a pending criminal proceeding or a dependency or delinquency proceeding under the Juvenile Act, including an appeal thereof, involving the same factual circumstances.

**§ 3490.108. Cooperation of county agencies and law enforcement agencies.**

Consistent with this chapter, the county agencies and law enforcement agencies shall cooperate and coordinate, to the fullest extent possible, their efforts to respond to reports of suspected child abuse.

**§ 3490.109. Report from law enforcement agencies.**

The law enforcement agency shall, as soon as possible and without jeopardizing the criminal investigation or prosecution, advise the county agency as to whether a criminal investigation has been undertaken and the results of the investigation and of any criminal prosecution in cases of suspected child abuse. The county agency shall ensure that the information is referred to ChildLine in a timely manner.

#### VERIFICATION OF THE EXISTENCE OF CHILD ABUSE AND STUDENT ABUSE RECORDS FOR CHILD CARE SERVICES

**§ 3490.121. Definitions.**

The following words and terms, when used in this section and §§ 3490.122—**[ 3490.126 ]** 3490.127 (relating to verification of existence of child abuse records for child care services) have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Applicant*—A person who will have direct contact with children in a child care service, who does one of the following:

\* \* \* \* \*

(iv) Is a candidate for participation in the **[ community work experience ]** workfare program under sections 405.1 and 405.2 of the Public Welfare Code (62 P. S. §§ 405.1 and 405.2).

*Child care service*—Child day care centers, group and family day care homes, foster homes, adoptive parents, boarding homes for children, juvenile detention center services or programs for delinquent or dependent children; mental health, mental retardation, **early intervention** and drug and alcohol services for children; and other child care services which are provided by or subject to approval, licensure, registration[, ] or certification by the Department or a county social services agency or which are provided under a contract with the Department or which are provided under a contract with the Department or a county social services agency. The term does not include services or programs which may be offered by public and private schools, intermediate units or area vocational-technical schools.

*Child caretaker*—A person whether compensated or not who provides care for a child and who voluntarily solicits certification from the Department under section **[ 23.1(k) ]** 6344 of the CPSL (relating to information relating to prospective child-care personnel) **[ (11 P. S. § 2223.1(k)) ]**. The term includes **[ but is not limited to ]** a babysitter, scout leader or den mother.

*Direct contact with children*—**[ Care, supervision, guidance or control of a child by a paid employee of or a person under contract with a child care service ]** Access to children by a paid employee of or person under contract with a child care service who has routine and unsupervised access to children in the course of carrying out the employee's responsibilities in a child care service.

\* \* \* \* \*

*Request for verification*—A request to the **[ ChildLine and abuse registry ]** Statewide Central Register from an applicant, operator of a child care service, foster parent or adoptive parent or a child caretaker seeking voluntary certification to determine

whether **[ he ] the applicant** is named as a perpetrator in an indicated or founded report of child abuse.

**§ 3490.122. Responsibilities of an applicant, prospective operator or legal entity of a child care service.**

(a) An applicant or prospective operator of a child care service shall submit a request for verification on forms provided by the Department. The request for verification shall include a check or money order for the fee charged by the Department, payable to the Department of **Public Welfare**, which will not exceed \$10. Prospective **[ community work experience ] workfare** program participants are exempt from payment of the fee.

\* \* \* \* \*

(c) An administrator, or other person responsible for hiring decisions, may not hire or contract with an applicant, nor may a prospective operator be issued a certificate of compliance or registration if the Department has verified that the applicant or prospective operator is named in the **[ central register ] Statewide Central Register** as the perpetrator of a founded report of child abuse committed within 5 years or less prior to the request for verification.

(d) An administrator, or other person responsible for hiring decisions, may not hire or contract with an applicant, nor may a prospective operator be issued a certificate of compliance or registration if the applicant's criminal history record information dictates that the applicant or prospective operator has been convicted of a crime as specified in section **[ 23.1(e) ] 6344** of the CPSL (**relating to information relating to prospective child-care personnel**) **[ 11 P. S. § 2223.1(e) ]**, or an equivalent out-of-State crime as determined by the Department **[, within 5 years or less prior to the request for criminal record history information ]**.

\* \* \* \* \*

(f) An applicant or prospective operator of a child care service located in this Commonwealth who is not a resident of this Commonwealth is required to obtain a report of criminal **history** record **[ history ]** from the Federal Bureau of Investigation according to procedures established by the Department and on forms provided by ChildLine.

**§ 3490.123. Responsibilities of [ a ] prospective adoptive [ parent ] parents, prospective foster [ parent ] parents, foster family care agencies and adoption investigators.**

(a) A prospective adoptive parent or a prospective foster parent shall submit a request for verification on **[ properly prepared ]** forms provided by the Department. The request for verification shall include a check or money order for the fee charged by the Department, payable to the Department of **Public Welfare**, which will not exceed \$10.

(b) In the course of causing an investigation to be made under 23 Pa.C.S. § 2535(a) (relating to investigation), an agency or person designated by the court to conduct the investigation shall require prospective adoptive parents to submit the information in section **[ 23.1(b)(1)—(3) ] 6344** of the CPSL (**relating to information relating to prospective child-care personnel**) **[ ( [ 11 P. S. § 2223.1(b)(1)—(3) ] )** for review under subsection (d).

(c) In the course of approving a prospective foster parent, a foster family care agency shall require prospective foster parents to submit the information in section **[ 23.1(b)(1)—(3) ] 6344** of the CPSL **[ ( 11 P. S. § 2223.1(b)(1)—(3) ) ]** for review by the foster family care agency under subsection (d).

(d) A prospective adoptive parent or prospective foster parent may not be approved by a foster family care agency, an adoption agency, or a person designated by the court under 23 Pa.C.S. § 2535(a) when any of the following circumstances apply:

\* \* \* \* \*

(2) The parent has been convicted of a crime under section **[ 23.1(e) ] 6344** of the CPSL **[ ( 11 P. S. § 2223.1(e) ) ]** or an equivalent out-of-State crime as determined by the Department **[ within 5 years or less prior to the request for criminal record history information ]**.

\* \* \* \* \*

**§ 3490.124. Departmental procedures for replying to a request for verification [ from an applicant, prospective operator of a child care service, prospective adoptive parent or prospective foster parent ].**

(a) Requests for verification received on **[ properly prepared Departmental forms ] forms provided by the Department** with a check or money order payable to the Department of **Public Welfare** in the amount charged by the Department will be processed. Prospective **[ community work experience program ] workfare** participants are exempt from payment of the fee. Others will be returned with instruction for resubmitting the request.

(b) The Department will advise the person seeking verification in writing whether or not **[ he ] the person** is named as a perpetrator of an indicated or founded report of child abuse **or an indicated or founded report for a school employe** in the **[ ChildLine and central registry ] Statewide Central Register**. If the person is named as a perpetrator of an indicated or founded report **of child abuse or indicated or founded report for a school employe**, the response will include the following information:

(1) The number of indicated or founded reports **of child abuse and indicated or founded reports for a school employe** in which the applicant is named as the perpetrator **of child abuse or school employe responsible for student abuse**.

(2) The date of the incidents of indicated or founded reports **of child abuse and indicated or founded reports for a school employe**.

**§ 3490.125. Voluntary certification of child caretakers.**

(a) A child caretaker may request certification from the Department that the requirements of section **[ 23.1 ] 6344** of the CPSL (**relating to information relating to prospective child-care personnel**) **[ ( 11 P. S. § 2223.1(b) ) ]** have been met.

(b) A child caretaker requesting voluntary certification who is a resident of this Commonwealth shall obtain a report of criminal history from the **Pennsylvania** State Police and submit it to the Department with the request for verification on **[ properly prepared ]** forms provided by the Department.

\* \* \* \* \*

(d) The Department will reply to requests for voluntary certification by providing the following:

(1) A copy of the report of criminal history record information **from the Pennsylvania State Police**.

(2) A report of child abuse **and student abuse** history record information under § 3490.124 (relating to Departmental procedures for replying to a request for verification **[ from an applicant, prospective operator of a child care service, prospective adoptive parent or prospective foster parent ]**).

\* \* \* \* \*

(f) **[ Requests for voluntary certification received on properly prepared Departmental forms with a check or money order payable to the Department in the amount charged by the Department will be processed. ]** The Department will process requests for voluntary certification it receives on the forms developed by the Department. The request shall include a check or money order payable to the Department of Public Welfare in the amount charged by the Department.

**§ 3490.126. Sanctions.**

(a) An administrator, or other person responsible for employment decisions in a child care facility or program who willfully fails to comply with section **[ 23.1 ] 6344** of the CPSL **(relating to information relating to prospective child-care personnel)** **[ (11 P. S. § 2223.1) ]** is subject to civil penalty not to exceed \$2,500.

(b) Information received by a legal entity, an administrator, the Department or the Department of Health under § 3490.124 (relating to Departmental procedures for replying to a request for verification **[ from an applicant, prospective operator of a child care service, prospective adoptive parent or prospective foster parent ]** is confidential and the legal entity, administrator, the Department and the Department of Health are subject to § 3490.102 (relating to criminal liability for breach of confidentiality).

**§ 3490.127. Information relating to prospective child care personnel.**

(a) The administrator of a child care service may employ applicants on a provisional basis for a single period of employment pending the receipt of the required clearances in accordance with section **[ 23.1(d) or (e) ] 6344** of the CPSL **(relating to information relating to prospective child-care personnel)** **[ (11 P. S. § 2223.1(d) or (e)) ]**.

\* \* \* \* \*

(c) The administrator may employ an applicant on a provisional basis if the administrator has no knowledge or information that would disqualify the applicant from employment in accordance with section **[ 23.1(d) or (e) ] 6344** of the CPSL and if the applicant has **complied with each of the following**:

\* \* \* \* \*

(3) Sworn or affirmed in writing that he was not disqualified from employment under section **[ 23.1(d) or (e) ] 6344** of the CPSL.

\* \* \* \* \*

(e) If the provisional employee does not submit the required clearances within 30 or 90 calendar days of employment, whichever is applicable, the administrator shall do one of the following:

\* \* \* \* \*

(2) Lay off or place the provisional employee on leave **with or** without pay **[ status ]** until the clearances are received.

\* \* \* \* \*

(f) A provisional employee shall be immediately dismissed from employment if he is disqualified from employment under section **[ 23.1(d) or (e) ] 6344** of the CPSL.

**VERIFICATION OF THE EXISTENCE OF CHILD ABUSE AND STUDENT ABUSE RECORDS FOR SCHOOL EMPLOYEES**

**§ 3490.131. Definitions.**

The following words and terms, when used in this section and §§ 3490.132—3490.137, have the following meanings, unless the context clearly indicates otherwise:

**Administrator**—The person, including an independent contractor, responsible for employment decisions in a school.

**Applicant**—An individual who applies for employment as a school employee. The term includes an individual who transfers from one position as a school employee to another position as a school employee.

**Clearance statement**—An official clearance statement from the Department on whether an applicant's name is on file in the Statewide Central Register as a perpetrator in an indicated or founded report of child abuse or an indicated or founded report of student abuse.

**Direct contact with students**—Access to children by a school employee who has routine and unsupervised access to children in the course of carrying out the employee's responsibilities in a school.

**Independent contractor and the contractor's employees**—A person employed in a position on a contractual basis with a school who has direct contact with students.

**Position**—The job classification of a school employee as defined and determined by existing law, State regulation or the school board or governing authority including administrative and supervisory staff, teachers, paraprofessionals, support staff or others.

**School**—All schools including public and nonpublic schools as defined in the Public School Code (24 P. S. §§ 1-101—27-2702) and private academic schools as defined in 22 Pa. Code Part II (relating to State Board of Private Academic Schools), as follows:

(i) **Public**—School districts, intermediate units and area vocational-technical schools.

(ii) **Registered**—Nonpublic (religiously affiliated schools).

(iii) **Licensed**—Private academic schools that are licensed by the Department of Education (including residential facilities that hire their own staff to teach residents of the facility).



(iv) *Accredited*—Accredited by an accreditation association or organization.

(v) *State-owned*—Scotland School and Scranton School for the Deaf.

*School employe*—An individual employed in a position by a school. The term includes independent contractors and their employes. The term does not include individuals who have no direct contact with students.

*Substitute list*—A list, approved by the hiring authority of a school, containing the names of persons eligible to serve the school as substitute teachers or temporary replacements for other employes.

*Transfer*—A change from one position to another.

#### § 3490.132. Responsibilities of an administrator.

(a) An administrator shall require each applicant to submit a clearance statement obtained from the Department within the immediately preceding year as to whether the applicant is named as the perpetrator of an indicated or founded report of child abuse or the individual responsible for an indicated or founded report of student abuse.

(b) A clearance statement shall be required for an applicant who transfers from one position to another position in the same school building or school district or organization and prior to the transfer has not obtained a clearance statement under subsection (a).

(c) A clearance statement is not required for an employe who moves within a school building or from one school to another school within the same school district or organization but does not change position.

(d) Except as provided in § 3490.134 (relating to information relating to prospective school employes), an administrator may not hire an applicant if the applicant is the perpetrator of a founded report of child abuse or the individual responsible for a founded report of student abuse.

(e) An administrator may not hire an applicant if the clearance statement is more than 1 year old as determined by the date on the clearance statement.

(f) School administrators shall, in their contracts with independent contractors and their employes who have direct contact with students, require contractors to include provisions for a clearance statement as required by this chapter.

(g) A clearance statement is required only prior to the initial hiring of a substitute and remains in effect as long as the substitute continues to be employed by the same school. When a substitute seeks to have his name added to another school's substitute list, the substitute shall provide a current clearance statement to the additional school. The fact that a substitute appears on one school's substitute list is not sufficient evidence to allow another school to add his name to its substitute list.

(h) The administrator shall make a copy of the clearance statement and place it in the employe's personnel record.

#### § 3490.133. Responsibilities of an applicant.

(a) An applicant shall submit a request for a clearance statement to the Department on the form

provided by the Department. The request shall include a check or money order payable to the Department of Public Welfare. The fee may not exceed \$10.

(b) An applicant shall show the original clearance statement to the administrator and permit a copy to be made.

#### § 3490.134. Information relating to prospective school employes.

(a) Section 3490.132 (relating to responsibilities of an administrator) does not apply to a person working in a school who is:

(1) Under 21 years of age.

(2) Participating in a job development or job training program.

(3) Employed for not more than 90 calendar days.

(b) An administrator may employ an applicant on a provisional basis if the following apply:

(1) The applicant attests in writing by oath or affirmation that he has submitted or will submit within 24 hours a request for a clearance statement and is not disqualified under § 3490.132.

(2) The administrator has no knowledge of information which would disqualify the applicant under § 3490.132.

(c) The provisional period may not exceed:

(1) Thirty calendar days for residents of this Commonwealth.

(2) Ninety calendar days for residents of another state.

(d) An administrator may not hire an applicant on a provisional basis during a strike under the Public Employe Relations Act (43 P. S. §§ 1101.201—1101.2301).

(e) If the applicant does not submit the clearance statement within 30 or 90 calendar days, whichever is applicable, the administrator shall do one of the following:

(1) Dismiss the provisional employe until the required clearance statement is received.

(2) Lay off or place the provisional employe on leave with or without pay until the clearance statement is received.

(3) Retain and reassign the provisional employe to a position that does not involve direct contact with children.

(f) An administrator shall immediately dismiss a provisional employe if the employe is the perpetrator of a founded report of child abuse or the individual responsible for causing serious bodily injury to or sexually abusing or sexually exploiting a student in a founded report of student abuse.

#### § 3490.135. Responsibilities of the Department.

(a) Requests for clearance statements received on forms provided by the Department with a check or money order payable to the Department of Public Welfare in the amount charged by the Department will be processed. The Department will return the forms that are not completed properly with instructions for resubmitting the request.

(b) The Department will advise the person seeking a clearance statement in writing whether or not he is named as a perpetrator of an indicated or founded report of child abuse or an indicated or founded report for a school employee in the State-wide Central Register. If the person is named as a perpetrator of an indicated or founded report of child abuse or indicated or founded report for a school employee, the response will include the following information:

(1) The number of indicated or founded reports of child abuse and indicated or founded reports for a school employee in which the applicant is named as a perpetrator of child abuse or a school employee responsible for student abuse.

(2) The date of the incidents of indicated or founded reports of child abuse or indicated or founded reports for a school employee.

(c) The Department will comply with the request for an official clearance statement within 14 days of receipt of the request by the Department.

#### § 3490.136. Sanctions.

An administrator who willfully violates section 6355 of the CPSL (relating to requirement) shall be subject to an administrative penalty of \$2,500. An action under section 6355 of the CPSL is governed by 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies) and Chapter 7, Subchapter A (relating to judicial review of Commonwealth Department action).

#### § 3490.137. Forms.

To obtain a form for the Clearance Statement, call the ChildLine Verification Unit at (717) 783-6211 and ask for a Pennsylvania Child Abuse History Clearance form.

(Editor's Note: Subchapter B is new and is printed in regular typeface to enhance readability.)

### Subchapter B. ABUSE OF STUDENTS IN SCHOOL

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### INTRODUCTION

#### § 3490.141. Applicability.

This subchapter applies to the Department, county agencies, law enforcement officials and schools.

#### § 3490.142. Purpose.

The purpose of this subchapter is to implement the provisions of the CPSL that relate to student abuse.

#### § 3490.143. Definitions.

In addition to the definitions in § 3490.4 (relating to definitions), the following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*Administrator*—The person, commonly referred to as the principal, responsible for the administration of a school. The term includes an independent contractor of a school.

*Founded report for a school employee*—A report of student abuse if there is any judicial adjudication based on a finding that the student suffered serious bodily injury or sexual abuse or exploitation, including the entry of a plea of guilty or nolo contendere or a finding of guilt to a criminal charge involving the same factual circumstances involved in the allegations of student abuse.

*Indicated report for a school employee*—A report of student abuse if an investigation by the county agency determines that substantial evidence of serious bodily injury or sexual abuse or exploitation exists based on one or more of the following:

(i) Available medical evidence.

(ii) The county agency's investigation.

(iii) An admission of causing serious bodily injury to a student or sexually abusing or sexually exploiting a student by the school employee.

*School*—All schools including public and private schools as defined in the Public School Code (24 P.S. §§ 1-101—27-2702) and private academic schools as defined in 22 Pa. Code Part II (relating to State Board of Private Academic Schools).

*School employee*—A person employed by or under contract with a school.

*Student*—An individual enrolled in a school who is under 18 years of age.

*Student abuse*—One or more of the following:

(i) Serious bodily injury.

(ii) Sexual abuse or sexual exploitation when committed by a school employee against a student.

*Subjects of a report*—The child, parent, guardian or other person responsible for the welfare of the child and the school employee named in a report of suspected student abuse.

*Unfounded report for a school employee*—Any report of student abuse. The term does not include a founded report for a school employee or an indicated report for a school employee.

### SCHOOL RESPONSIBILITIES

#### § 3490.151. Required reporting.

(a) A school employee who has reasonable cause to suspect, on the basis of professional or other training and

experience, that a student coming before the school employe in the employe's professional or official capacity is a victim of serious bodily injury or sexual abuse or sexual exploitation by another school employe, shall immediately notify the administrator of the alleged abuse or injury.

(b) When a school employe learns of suspected student abuse from another person, the school employe shall notify the administrator of the alleged student abuse if the school employe has reasonable cause to suspect, on the basis of professional or other training and experience, that the student is a victim of serious bodily injury or sexual abuse or sexual exploitation by a school employe.

(c) If an administrator learns of suspected student abuse from another person, the administrator shall make a report of suspected student abuse as required by this subchapter.

**§ 3490.152. Responsibilities of administrators and school employes.**

(a) An administrator, and in certain cases a school employe, shall report immediately to law enforcement officials and the appropriate district attorney a report of abuse or injury alleged to have been committed by a school employe against a student. If an administrator is the school employe who suspects injury or abuse, the administrator shall make a report to law enforcement officials and the appropriate district attorney.

(b) If the administrator is the employe suspected of abusing the student, the school employe who suspects the abuse shall immediately report that information to law enforcement officials and the appropriate district attorney.

(c) The verbal report shall be followed up with a written report on a form provided by the Department.

**§ 3490.153. Information provided to the district attorney and law enforcement officials.**

The school official shall provide the following information to the district attorney and law enforcement officials on a form provided by the Department:

- (1) The name, age and home address of the student.
- (2) The name and address of the school.
- (3) The name and address of the student's parent or guardian.
- (4) The name and address of the administrator or school employe who made the report.
- (5) The name, work and home address of the school employe suspected of abusing the student.
- (6) The nature of the alleged offense.
- (7) Specific comments or observations that are directly related to the alleged incident and the individuals involved.

**§ 3490.154. Release of information by a school employe including an administrator.**

**(a) Information in a student abuse report is confidential and may only be released by a school employe who made a report of suspected student abuse to:**

- (1) The administrator.
- (2) A law enforcement official in the course of investigating the allegation of suspected student abuse.
- (3) A county agency worker.

(4) A school official in the course of conducting an internal investigation of the allegation of suspected student abuse.

(5) The appropriate persons in a licensing proceeding, disciplinary action, appeal proceeding, civil or criminal proceeding.

(6) Any social services agency or person providing services to the child and the child's family.

(b) Subsection (a)(2)—(6) applies to an administrator when the administrator made the report of suspected student abuse.

**LAW ENFORCEMENT RESPONSIBILITIES**

**§ 3490.161. Responsibilities of law enforcement officials.**

(a) Law enforcement officials, in cooperation with the district attorney, shall accept the report of suspected student abuse for investigation and determine what criminal charges, if any, will be filed against the school employe.

(b) Law enforcement officials shall notify the county agency in the county where the alleged student abuse occurred when law enforcement officials have reasonable cause to suspect, on the basis of their initial review, that there is evidence of suspected student abuse.

**COUNTY RESPONSIBILITIES**

**§ 3490.171. Receipt and investigation of reports of suspected student abuse.**

(a) The county agency is the sole civil agency responsible for investigating reports of suspected student abuse. The investigation shall be conducted by a protective service worker.

(b) When a county agency receives a report of suspected student abuse, it shall immediately notify ChildLine of the receipt of the report and begin an investigation as soon as possible.

(c) At a minimum, the county agency shall have a face-to-face interview with the child, witnesses to the abuse and the school employe suspected of causing the abuse, unless the employe refuses to be interviewed.

(d) The county agency's investigation shall be completed within 60-calendar days of when the report was received by ChildLine. The county agency shall submit a Child Protective Service Investigation Report form to ChildLine with a status determination of founded, indicated, unfounded or pending criminal court action. If the Child Protective Service Investigation Report form is not received within 60-calendar days from the date the report was received by the county agency, the report shall be considered unfounded.

(e) If the investigation cannot be completed within 60-calendar days because an arrest has been made or there is criminal court action pending, the county agency shall send the County Agency Investigation Report to ChildLine with a status determination of one of the following:

- (1) Pending criminal court action.
- (2) Indicated, when there is substantial evidence that the child was abused.

(f) The county agency shall submit a new Child Protective Service Investigation Report form to ChildLine as required in subsection (a) when a final status determination is made.

**§ 3490.172. Coordination of an investigation.**

(a) The county agency and law enforcement officials shall coordinate their investigations to the fullest extent possible. Interviews with the student shall be conducted jointly. Law enforcement officials may interview the school employee prior to the county agency contacting the employee.

(b) The joint interview with the child may be waived on an individual case-by-case basis if both the county agency and law enforcement official agree that it is in the best interest of the child.

(c) The county agency and law enforcement officials shall keep each other informed of their respective investigations.

(d) The county agency and law enforcement officials shall avoid taking or arranging to have taken duplicate photographs, medical tests or X-rays of a student, whenever possible.

(e) The county agency may rely on a factual investigation of substantially the same allegation by a law enforcement official to support the agency's finding. This reliance does not relieve the county agency from conducting its own investigation.

**§ 3490.173. Notifications by the county agency.**

(a) Prior to the initial interview with a subject of a report of student abuse, the county agency shall verbally notify the subject of the existence of the report, the allegations of abuse and the school employee's rights regarding amendment and expunction.

(b) Within 72 hours of the initial interview, the county agency shall notify the subject in writing of the following:

- (1) The existence of the report.
- (2) The allegations of abuse.
- (3) The school employee's rights regarding amendment and expunction.
- (4) The right to obtain a copy of the report from ChildLine or the county agency.
- (5) The fact that unfounded reports are expunged within 120-calendar days of receipt of the report by ChildLine.

(6) The effect that a founded or indicated report of child abuse or student abuse has on a school employee responsible for student abuse seeking employment in a child care service or as a school employee.

(c) The written notice shall be given to all subjects before the status determination is submitted to ChildLine.

(d) The county agency shall notify, in writing, the district attorney and the law enforcement officials who conducted the investigation and the school administrator or employee, or both, who made the report to the district attorney and law enforcement officials of the status of the report when the county agency notifies ChildLine of the status of the report.

**§ 3490.174. Services for students.**

The county agency shall assist the student who was abused and the student's parents in locating services for the student, if necessary.

**§ 3490.175. Expunction and amendment of reports of student abuse by the county agency.**

The county agency shall amend a record of student abuse upon notification from ChildLine. The county

agency shall expunge all information in its possession in unfounded, indicated and founded reports of student abuse upon notification from ChildLine.

**DEPARTMENTAL RESPONSIBILITIES****§ 3490.181. Agents of the county agency.**

The regional staff of the Department will investigate reports of suspected student abuse when the person alleged to have abused the student is an agent of the county agency.

**§ 3490.182. ChildLine files.**

ChildLine will establish three files for reports of student abuse as follows:

(1) The pending complaint file for reports under investigation which shall contain the following information:

- (i) The name and address of the student and the student's parents or guardians.
- (ii) Where the suspected abuse or injury occurred.
- (iii) The age and sex of the student.
- (iv) The nature and extent of the suspected abuse or injury.

(v) The name and home address of the school employee alleged to have committed the abuse or injury.

(vi) The relationship of the school employee alleged to have committed the abuse to the student who was allegedly abused by the school employee.

(vii) The source of the report (the name of the law enforcement official) to the county agency.

(viii) The actions taken by the county agency, law enforcement officials, parents, guardians, school officials or other persons, including the taking of photographs, medical tests and X-rays.

(2) The Statewide Central Register of indicated and founded reports for school employees which shall contain the following information:

- (i) The name, Social Security number, date of birth and sex of the subjects of the report.
- (ii) The home address of the subjects of the report.
- (iii) The date and the nature and extent of the abuse.
- (iv) The county in which the abuse occurred.
- (v) The factors contributing to the abuse.
- (vi) The relationship of the school employee who abused the student to the student.
- (vii) The source of the report (name of school administrator/school employee who made the report to a law enforcement official and the district attorney).
- (viii) Whether the report is a founded or indicated report.

(ix) Information obtained by the Department in relation to a school employee's request to release, amend or expunge information retained by the Department or the county agency.

(x) The progress of any administrative or civil legal proceedings brought on the basis of the report.

(xi) Whether a criminal investigation was done and the result of the investigation and of any criminal prosecution.

(3) The file of unfounded reports awaiting expunction which contains the same information that is in the Statewide Central Register.

#### **GENERAL REQUIREMENTS FOR STUDENT ABUSE**

##### **§ 3490.191. Request from a school employe to amend or expunge an indicated report of student abuse.**

(a) The school employe responsible for the student abuse may request the Secretary to amend or expunge an indicated report for a school employe on the grounds that it is inaccurate or it is being maintained in a manner inconsistent with this chapter. The written request must be postmarked within 45-calendar days of the mailing date of the letter from the Statewide Central Register notifying the employe of the indicated status.

(b) The Secretary will decide whether to grant or deny a request made under subsection (a) within 30-calendar days from the date the request is received. The Secretary will notify all subjects of the report and the appropriate county agency of the decision by first-class mail.

##### **§ 3490.192. Request for a hearing from a school employe for indicated reports of student abuse.**

(a) The school employe responsible for the student abuse has the right to appeal the Secretary's decision to deny the request to amend or expunge an indicated report by filing an appeal with the Secretary.

(b) Any other subject of a report and the county agency have the right to appeal the Secretary's decision to grant the request.

(c) Appeals shall be in writing to the Secretary's designee, the Bureau of Hearings and Appeals, and be postmarked within 45-calendar days from the mailing date of the Secretary's notification letter.

(d) If an appeal is filed, a hearing shall be held before the Department's Bureau of Hearings and Appeals.

(e) Except as provided in subsection (f), hearings will be conducted under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

(f) Hearings will be scheduled and final administrative action taken in accordance with the time limits specified in § 275.4(b) and (e)(1), (3) and (5) (relating to procedures).

(g) The burden of proof in hearings held under this section is as follows:

(1) If another subject or the county agency appeals the Secretary's decision to grant the request, the subject or the county agency who filed the appeal bears the burden of proof.

(2) The county agency bears the burden of proof if a school employe appeals the Secretary's decision to deny the request to amend or expunge a report of student abuse.

(h) Parties to a hearing held under this section have 15 days from the date of the final order of the Bureau of Hearings and Appeals to request the Secretary to reconsider the decision or 30 days to appeal the final order to Commonwealth Court.

(i) An administrative appeal proceeding will be automatically stayed upon notice to the Department by subject or the county agency that there is a pending criminal

proceeding or a dependency or delinquency proceeding under the Juvenile Act, including an appeal thereof, involving the same factual circumstances.

##### **§ 3490.193. Other provisions.**

The following sections apply to reports of student abuse to the extent that they are applicable:

- (1) Section 3490.31 (relating to receipt of reports).
- (2) Section 3490.35 (relating to Statewide Central Register).
- (3) Section 3490.36 (relating to providing information to the county agency).
- (4) Section 3490.37 (relating to release of information: Statewide Central Register, pending complaint file and file of unfounded reports).
- (5) Section 3490.38 (relating to authorized studies of child abuse data).
- (6) Section 3490.40 (relating to notifications regarding indicated reports).
- (7) Section 3490.40a (relating to notifications regarding founded reports).
- (8) Section 3490.41 (relating to determination of time).
- (9) Section 3490.42 (relating to performance audit and reviews).
- (10) Section 3490.54 (relating to independent investigation of reports).
- (11) Section 3490.65 (relating to staffing and staff qualifications).
- (12) Section 3490.91 (relating to persons to whom child abuse information shall be made available).
- (13) Section 3490.93 (relating to requests by designated county officials).
- (14) Section 3490.94 (relating to the release of the identity of a person who made a report of child abuse or cooperated in a subsequent investigation).
- (15) Section 3490.104 (relating to release of information to a subject of a report).

*(Editor's Note: The Department is proposing to delete §§ 3490.201—3490.215 as they currently appear in the Pennsylvania Code at pages 3490-43—3490-46, serial pages (211753) to (211756). The proposed text for Subchapter C is being printed in regular typeface to enhance readability.)*

##### **§§ 3490.201—3490.215. (Reserved).**

#### **Subchapter C. GENERAL PROTECTIVE SERVICES**

##### **INTRODUCTION**

- Sec.  
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3490.233. Protective custody.  
3490.234. Notifications.  
3490.235. Services available through the county agency for neglected children.  
3490.236. General protective services records.

##### **GENERAL REQUIREMENTS FOR GENERAL PROTECTIVE SERVICES**

- 3490.241. Appeals with respect to general protective services.  
3490.242. Confidentiality.

## INTRODUCTION

### § 3490.221. Applicability.

This subchapter applies to the Department and county children and youth social service agencies.

### § 3490.222. Purposes.

The purposes of this subchapter are to:

(1) Protect the rights and welfare of children so that they have an opportunity for healthy growth and development.

(2) Assist parents in recognizing and remedying conditions harmful to their children and in fulfilling their parental duties in a manner that does not put their children at risk.

### § 3490.223. Definitions.

In addition to the definitions in § 3490.4 (relating to definitions), the following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*Assessment*—An evaluation by the county agency to determine whether or not a child is neglected and in need of general protective services.

*Custodial parent*—The parent responsible for the day-to-day care and supervision of the child.

*General protective services*—Those activities and services arranged or provided, or both, by each county agency for neglected children and their families both during the assessment and while the case is open for services.

*Neglect*—An act or failure to act by a parent or the primary person responsible for the care of a child which results in a failure to provide the essentials of life and which creates a potential for harm to the child's safety, functioning or development. A child will not be considered neglected based solely on environmental factors that are beyond the control of the parent or the primary person responsible for the child's care including inadequate housing, furnishings, income, clothing and medical care. For purposes of the definition of "neglect," the following terms have the following definitions:

(i) *Essentials of life*—Food, shelter, clothing, health care, personal care, education as required by law, proper supervision and protection from physical, sexual or emotional injury.

(ii) *Primary person who is responsible for the care of a child*—A person who provides or arranges ongoing care and supervision to a child in lieu of parental care and supervision.

(iii) *Potential for harm*—Likely, if permitted to continue, to have a detrimental effect on the child's health, development or functioning. The term does not include imminent risk as defined in the definition of "child abuse" in § 3490.4 (relating to definitions).

*Report*—A verbal or written statement to the county agency from someone alleging that a child is neglected.

## COUNTY RESPONSIBILITIES

### § 3490.231. Functions of the county agency for general protective services.

Each county agency is responsible for administering a program of general protective services to neglected children that is consistent with the Department's objectives to:

(1) Keep children in their own homes, whenever possible.

(2) Prevent abuse, neglect and exploitation of children.

(3) Overcome problems that could result in dependency.

(4) Provide temporary, substitute placement in a foster family home, the home of a relative or residential child-care facility for children in need of this care.

(5) Reunite children and their families, whenever possible, when children are in temporary, substitute placement.

(6) Provide a permanent, legally assured family for children in temporary, substitute care who cannot be returned to their own home.

(7) Provide services and care ordered by the court for children who have been adjudicated dependent.

### § 3490.232. Receiving reports and assessing the need for services.

(a) The county agency shall be the sole civil agency responsible for receiving and assessing all reports of suspected neglect. This subchapter does not limit section 6304 of the Juvenile Act (relating to powers and duties of probation officers).

(b) The county agency shall provide 24-hours-per-day/7-days-per-week telephone access to receive reports of suspected neglect.

(c) Upon receipt of a report, the county agency shall make an initial determination whether or not to:

(1) Accept the report for an assessment.

(2) Refer the information for other services provided by the county agency.

(3) Refer the person to another agency.

(d) When the county agency accepts the report for an assessment, the county agency shall see the child immediately if emergency protective custody has been taken, is needed, or if it cannot be determined from the report whether or not emergency protective custody is needed. Otherwise, the county agency shall prioritize the response time for an assessment to assure that children who are most at risk receive an assessment first.

(e) The county agency shall use a State-approved risk assessment process as required by § 3490.321 (relating to establishment of standards for a risk assessment process) to:

(1) Aid in its assessment of whether to accept the family for services.

(2) Insure that its assessment is comprehensive.

(3) Help determine the need for general protective services.

(f) The county agency shall complete an assessment to determine whether or not the child is neglected and whether or not the family should be accepted for general protective services within 60-calendar days from the date the agency received the report and accepted the report for an assessment under subsection (c)(1).

(g) The county agency shall see the child and visit the child's home during the assessment period. The home visits shall occur as often as necessary to complete the assessment and insure the safety of the child. There shall be at least one home visit.

(h) The county agency shall interview the child, if age appropriate, and the custodial parent or the primary

person who is responsible for the care of the child. The county agency shall also conduct interviews with those persons who are known to have or may reasonably be expected to have information that would be helpful to the county agency in determining whether or not the child is neglected and in need of general protective services.

(i) The county agency may make unannounced home visits.

(j) The county agency shall provide or arrange appropriate services when necessary to protect the child during the assessment period.

(k) The county agency shall initiate the appropriate court proceedings and assist the court during all stages of the court proceedings if the county agency determines that an assessment or protective services, or both, are in the best interest of a child and if an offer of an assessment, a home visit or services is refused by the parent or the primary person who has responsibility for the care of the child.

#### **§ 3490.233. Protective custody.**

(a) A child suspected of being neglected may be taken into protective custody under §§ 3490.15—349.17 and 3490.57.

(b) The director or a hospital or other medical facility or a physician examining or treating a child may take a child into protective custody if protective custody is immediately necessary in the director's or physician's judgment to protect the child and as indicated by the following examples:

(1) Medical indications of prolonged neglect, the seriousness of the neglect, statements of the parents indicating they are unlikely to seek necessary treatment for the neglect, which if not treated would lead to serious physical neglect.

(2) There is medical evidence that the child's physical condition constitutes a medical emergency which requires immediate hospitalization to prevent more serious neglect or serious physical impairment.

(3) The parents, after being advised that the child's physical condition constitutes a medical emergency will make no immediate arrangement for medically adequate alternative treatment.

#### **§ 3490.234. Notifications.**

(a) The county agency shall notify the custodial parent or the primary person who is responsible for the care of the child of the receipt of the report and that the county agency will do an assessment to determine the need for general protective services. The notification shall be made verbally at the time of the initial interview.

(b) The county agency shall provide written notice to the parents of the child suspected of being neglected and the primary person who is responsible for the care of the child of the county agency's decision to accept the family for general protective services because of neglect within 7-calendar days of making the decision. If the Department accepts the family for services, it shall include in the notice:

(1) The reasons why the Department accepted the family for services.

(2) The right of the custodial parent or the primary person responsible for the care of the child to appeal the county agency's decision that the child is neglected and is in need of services.

(3) The request for an appeal shall be received by the county agency within 45-calendar days of the mailing date of the written notice in this subsection.

(4) How to appeal the county agency's decision that the child is neglected and is in need of services.

(5) The appeal request shall specify the reasons why the child is not neglected and services are not needed.

#### **§ 3490.235. Services available through the county agency for neglected children.**

(a) The county agency shall provide, arrange or otherwise make available the same services for neglected children as for abused children under § 3490.60 (relating to services available through the county agency).

(b) The county agency shall develop a family service plan as required by § 3130.61 (relating to family service plans) for each family accepted for general protective services.

(c) The county agency shall monitor the provision of services and evaluate the effectiveness of the services provided under the family service plan under § 3130.61 (relating to family service plans).

(d) The county agency may purchase and use the services of an appropriate public or private agency under Chapter 3130 (relating to the administration of county children and youth social service programs).

(e) The county agency supervisor shall review each report of suspected child neglect which is being assessed on a regular and ongoing basis to determine the safety of the child and the progress made toward reaching a determination on the need for protective services. The supervisor shall maintain a log of these reviews.

(f) When a case has been accepted for service and a family service plan has been developed under Chapter 3130, the county agency supervisor shall, within 10-calendar days of the completion of the family service plan, review the plan to assure that the level of activity, in person contacts with the child, oversight, supervision and services for the child and family which are contained in the plan, are consistent with the level of risk determined by the county agency for the case. Documentation of this review shall be in the case record.

(g) When a case has been accepted for services, the county agency shall monitor the safety of the child and assure that contacts are made with the child, parents and service providers. The contacts may occur by phone or in person but face-to-face contacts with the parent and the child shall occur as often as necessary for the protection of the child but at least:

(1) Once a week until the case is no longer designated as high risk by the county agency, if the child remains in or returns to the home in which the neglect occurred and the county agency has determined a high level of risk exists for the case.

(2) Once a month for 6 months or case closure when the child is either of the following:

(i) Placed out of the home or setting in which the neglect occurred.

(ii) Not at a high risk of abuse or neglect.

(h) A periodic assessment of the risk of harm to the child shall be conducted as required by the State-approved risk assessment process.

(i) Except when ordered by the court in a proceeding brought under the Juvenile Act, a county agency is not required to duplicate services which are the statutory responsibility of another agency.

(j) The county agency shall aid the child and the family in obtaining benefits and services for which they may qualify under Federal, State and local programs.

**§ 3490.236. General protective services records.**

(a) Records for reports that are accepted for general protective services shall be maintained under § 3130.43 (relating to family case records). In addition to the information required by § 3130.43, the records shall contain the following information:

- (1) The nature of the neglect.
- (2) The date and source of the report.
- (3) The names and addresses of the persons interviewed in conducting the assessment.
- (4) The services provided by the county agency during the assessment.
- (b) Records for reports that are not accepted for service shall be maintained for 5 years following the receipt of the latest report of suspected neglect. The following information shall be maintained:
  - (1) The name and address of the child.
  - (2) The names and addresses of the parents.
  - (3) The name and address of the primary person who is responsible for the care of the child.
  - (4) The allegations of neglect.
  - (5) The date and source of the report.
  - (6) The names and addresses of the persons interviewed in conducting the assessment.
  - (7) The services provided by the county agency during the assessment.
  - (8) Referral to other community agencies.
  - (9) A summary of the assessment and reason for not accepting the family for general protective services.

**GENERAL REQUIREMENTS FOR GENERAL PROTECTIVE SERVICES**

**§ 3490.241. Appeals with respect to general protective services.**

(a) When a county agency accepts a case for services, the custodial parent or the primary person who is responsible for the care of the child may appeal that decision.

(b) The county agency shall establish policies and procedures for handling these appeals. The policies and procedures shall be in the agency's manual as required by § 3130.21(h)(4) (relating to responsibilities of county executive officers).

(c) An appeal from the custodial parent or the primary persons who are responsible for the care of the child shall be received by the county agency within 45-calendar days of the date of the letter from the county agency notifying the person of the Department's decision to accept the child and family for services. The written appeal request shall be made to the county agency administrator and specify the reasons why the child is not neglected and in need of services.

(d) The county agency shall review the request and issue a written decision to the person who made the

request within 45-calendar days of the receipt of the appeal. If the agency denies the request, the person who made the request shall be advised in writing of his right to a hearing before the Department's Bureau of Hearings and Appeals and that this request shall be made within 45-calendar days of the date of the letter from the county agency notifying the person of the agency's decision denying the request.

(e) If a hearing is requested, the Bureau of Hearings and Appeals will schedule a hearing under Article IV of the Public Welfare Code (62 P. S. §§ 401—493), and applicable Department regulations. The burden of proof in the hearing shall be on the county agency. The Department will assist the county agency as necessary.

(f) The Department is authorized and empowered to make an appropriate order regarding records to make them accurate or consistent with this chapter.

(g) Neither the county administrator nor the director of the Bureau of Hearings and Appeals may issue a ruling modifying the term of a service plan which has been specifically approved or ordered by a court of competent jurisdiction.

(h) Action by the custodial parent or the primary person who is responsible for the care of the child under this section does not preclude the custodial parent or the primary person who is responsible for the care of the child the right to exercise other appeals available through Department regulations or the courts.

**§ 3490.242. Confidentiality.**

(a) Information obtained by the county agency or Department in connection with general protective services may only be released:

- (1) Under § 3130.44 (relating to confidentiality of family case records).
- (2) To another county agency.
- (3) To an official of an agency of another state that performs general protective services analogous to those services performed by county agencies or the Department in the course of the official's duties.

**Subchapter D. GENERAL REQUIREMENTS FOR CHILD PROTECTIVE SERVICES AND GENERAL PROTECTIVE SERVICES**

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- 3490.301 Applicability.
- 3490.302 Purpose.
- 3490.303 Definitions.

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- 3490.311. Establishment of a staff development process.
- 3490.312. Training program requirements for direct service workers.
- 3490.313. Direct service worker certification requirements for supervisors who supervise direct service workers.
- 3490.314. Training and certification requirements for supervisors who supervise direct service workers.

**RISK ASSESSMENT**

- 3490.321. Establishment of standards for a risk assessment process.
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**FAILURE TO COOPERATE**

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3490.381. Law enforcement assistance.

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3490.391. County agency plan.

**TRANSFER OF CASES**

3490.401. Intercounty transfer of cases.

**INTRODUCTION****§ 3490.301. Applicability.**

This subchapter applies to county agencies and other agencies and persons who provide services to abused and neglected children.

**§ 3490.302. Purpose.**

The purpose of this subchapter is to consolidate regulations that apply to both child protective services and general protective services.

**§ 3490.303. Definitions.**

In addition to the definitions in § 3490.4 (relating to definitions), the following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*CORE*—Training in foundation level skills which are needed by all direct service workers in county agencies to provide services to abused and neglected children and their families.

*Risk assessment*—A Department-approved systematic process that assesses a child's need for protection or services based on the risk of harm to the child.

*Training program*—The Pennsylvania Child Welfare Competency-Based Training and Certification Program.

**STAFF ORIENTATION, TRAINING AND CERTIFICATION REQUIREMENTS****§ 3490.311. Establishment of a staff development process.**

(a) In fulfillment of the requirements of section 6383 of the CPSL (relating to education and training), the Department will implement an initial and ongoing training program for direct service workers and supervisors in county agencies.

(b) To implement the training program, the Department will establish a steering committee cochaired by a representative from the Department and a representative from the Pennsylvania Children and Youth Administrators, Inc.

(c) The steering committee shall provide recommendations to the Department for the establishment and implementation of policies and procedures relating to staff orientation, training and certification as required by the CPSL and this chapter and provide recommendations for overall staff development designed to improve the competency of the direct service workers and supervisors in county agencies.

(d) The steering committee shall include among its functions the evaluation of program effectiveness tested against measurable outcomes.

**§ 3490.312. Training program requirements for direct service workers.**

(a) The county agency shall establish and implement policies for orientation of direct service workers.

(b) The county agency shall establish and implement written policies on the assignment of cases to new staff and staff reassigned as direct service workers, including the criteria used to determine when a worker is prepared to assume responsibility for a full caseload.

(c) The county agency shall implement the supervisors' orientation, training and resource manual. A county agency may implement its own process or manual provided it addresses the objectives of the manual provided through the training program and is approved by the Department.

(d) The Department, with consultation from its steering committee, will establish standards, a process and a program for county agencies relating to the initial and ongoing certification of direct service workers including the following requirements:

(1) Direct service workers include all persons providing direct services to children and families and case management functions on a full-time or part-time basis.

(2) Direct service workers hired on or after July 1, 1996, shall be certified under the established standards within 18 months of their date of employment.

(3) Direct service workers who were not in a permanent employment status as of July 1, 1996, shall have been certified by December 31, 1997.

(4) Permanent direct service workers hired prior to July 1, 1996, are certified.

(5) Direct service workers hired after June 30, 1996, who are in the process of achieving initial certification may be assigned a caseload, up to the caseworker-to-family ratio of the county agency, based on the worker's ability to handle job duties as determined by the written policy of the county agency.

(6) Initial certification of direct service workers shall include the following components:

(i) A minimum of 120 hours of CORE training.

(A) The content of CORE training shall be determined by the Department in consultation with the steering committee.

(B) The content of CORE training shall be subject to periodic review by the Department and the steering committee for continued relevancy.

(C) An overview of CORE training shall be communicated by the Department to the county agencies and direct service workers through a Departmental bulletin.

(D) Upon request by a county agency and approval by the Department, a county agency may provide the CORE training developed by the training program to its direct service workers.

(E) The county agency shall maintain a record of CORE training completed for certification in the employee's personnel file.

(ii) A decision by the employing county agency that the worker is certified.

(A) The decision shall be based on an assessment of the worker's ability to apply the principles, concepts and content of CORE training, the supervisors' orientation, training and resource manual or its equivalent and other learning opportunities to on-the-job situations. The assessment shall conclude with a decision of whether or not the worker is certified.

(B) The assessment shall be in writing and reviewed with the employee. The employee shall be given a copy of the assessment. A copy of the assessment shall be maintained in the employee's personnel file.

(7) The county agency shall determine the county agency's training year.

(8) Ongoing certification of direct service workers shall include the following:

(i) Documentation of completion of a minimum of 20 hours of training annually. For direct service workers who complete the CORE training during the county agency's training year, the county agency shall pro rate the number of required training hours that a direct service worker shall take in the county agency's training year schedule. Training content shall be based on the annual administration of an assessment of individual training needs and the development of an individual training plan. Ongoing training, as identified in the individual training plan, may be obtained through the training program provided by a county agency or obtained through another provider.

(ii) Courses from an accredited school of social work which are successfully completed by a direct service worker shall be acceptable in meeting the ongoing certification requirements.

(iii) The county agency shall maintain a record of training required for ongoing certification, including the needs assessment, training plan and courses attended in the employee's personnel file.

(iv) The date of initial certification for grandfathered workers is June 30, 1996.

(9) The county agency shall provide its direct service workers the opportunity to obtain initial and ongoing certification status.

(10) The county agency may not allow an employee who fails to achieve or maintain certified status to perform direct service duties.

**§ 3490.313. Direct service worker certification requirements for supervisors who supervise direct service workers.**

(a) Supervisors who supervise direct service workers shall be certified as direct service worker. Supervisors with permanent status on June 30, 1996, and who supervise direct service workers are grandfathered as certified direct service workers. Supervisors hired, transferred or promoted after June 30, 1996, who are not certified, shall meet the certification requirements in the training program requirements for direct service workers within 12 months of employment or transfer.

(b) Supervisors who supervise direct service workers who fail to meet the requirement of subsection (a) may not be permitted by the county agency to supervise direct service workers.

**§ 3490.314. Training and certification requirements for supervisors who supervise direct service workers.**

Persons hired, transferred or promoted to supervise direct service workers after December 31, 1997, shall complete a supervisor's training program approved by the Department in consultation with the steering committee. The content of the training and certification requirements will be communicated by the Department to the county agencies and supervisors through a Departmental bulletin.

**RISK ASSESSMENT**

**§ 3490.321. Establishment of standards for a risk assessment process.**

(a) The Department and county agencies shall jointly establish standards for the implementation of the risk assessment process under sections 6362(e) and 6375(c)(2) of the CPSL (relating to responsibilities of county agency for child protective services; and county agency requirements for general protective services) and this chapter.

(b) The standards established for risk assessment shall include the following:

(1) A statement of purpose for the process.

(2) The core set of factors against which risk shall be assessed.

(3) The application of the process, including the points at which the process shall be applied and the periodicity of application.

(4) The recordkeeping requirements.

(5) The process for Commonwealth approval.

(c) The Department and counties shall review the implementation of the risk assessment process on an ongoing basis to ensure that the standards established are consistent with good practice and the results of research.

(d) The Department will publish in a Departmental bulletin the standards established under subsection (b). Any subsequent changes in these standards will be communicated by the Department to the county agencies through a Departmental bulletin.

(e) The standards established under subsection (b) apply to Subchapters A and C (relating to child protective services; and general protective services).

**§ 3490.322. County agency compliance with risk assessment standards.**

(a) Each county agency shall implement a State-approved risk assessment process in performance of its duties under sections 6362(e) and 6375(c)(2) of the CPSL (relating to responsibilities of county agency for child protective services; and county agency requirements for general protective services) and this chapter.

(b) Each county agency shall implement the State-approved risk assessment process approved by the Department on July 1, 1997.

(c) The county agency shall implement its risk assessment process in a way which supports its overall decisionmaking process for, and approach to, protective services.

(d) The county agency in developing and implementing the Family Service Plan and Placement Amendment as required by Chapter 3130 (relating to administration of county children and youth social service programs) shall

assure that the level of activity, in person contacts with the child, oversight, supervision and services for the child and family are consistent with the level of risk as determined by the county agency for the case.

#### **ANNUAL REPORT**

##### **§ 3490.331. Annual report on required activities.**

(a) The Department will report annually to the Governor and General Assembly on the activities regulated by this chapter, including the operations of the Statewide Central Register and the protective services provided by the county agencies. The report shall contain a statistical analysis of the following:

- (1) The reports of suspected child abuse received by the Department.
- (2) The reports of suspected student abuse received by the Department.
- (3) The results of requests for child care clearances received by the Department.
- (4) The costs to implement the CPSL.
- (5) An evaluation of services offered in response to the CPSL.
- (6) The protective service referrals received and accepted by county agencies.
- (7) The children over whom the county agencies maintain continuing supervision.
- (8) The protective service cases closed by county agencies.
- (9) The services provided to children and their families.
- (10) Recommendations for Legislative changes and the estimated increase or decrease in cost.

(b) The data required in subsection (a)(6)—(9) shall be submitted by the county agencies through the Children and Youth Quarterly Aggregate Reporting System on Form CY-28 until the Department has implemented the child specific Adoption and Foster Care Analysis and Reporting System which will include information on protective services.

#### **STAFF RATIOS**

##### **§ 3490.341. Staff-to-family ratios.**

Staff-to-family ratios for protective service workers shall be in accordance with §§ 3130.32 and 3140.17 (relating to staffing requirements; and review of county plans and budgets).

#### **FAILURE TO COOPERATE**

##### **§ 3490.351. Willful failure to cooperate.**

An agency, school district or facility, or a person acting on behalf of an agency, school district or facility, that violates this chapter by willfully failing to cooperate with the Department or a county agency when investigating a report of suspected child abuse, suspected student abuse or suspected neglect commits a summary offense for a first violation and a misdemeanor of the third degree for subsequent violations under section 6346 of the CPSL (relating to cooperation of other agencies).

#### **STANDARDS FOR STAFF**

##### **§ 3490.361. Requirements for agencies providing protective services.**

The county agency shall arrange for or provide protective services for children and their families only through agencies that comply with §§ 3130.21(4), 3130.39 and

3130.40 (relating to responsibilities of county executive officers; services and facilities which may be used; and delivery of services through other service providers).

##### **§ 3490.362. Licensure requirements for persons providing services arranged or provided by the county agency.**

The county agency shall arrange for or provide services from persons who are not affiliated with an agency under § 3490.361 (relating to requirements for agencies providing services) only if the persons possess a valid license issued by the Department of State, if the profession is subject to mandatory licensure.

#### **ATTORNEY FOR THE COUNTY AGENCY**

##### **§ 3490.371. Availability of an attorney for the county agency.**

The county agency shall retain or ensure the availability of an attorney for consultation with and representation of the county agency in fulfilling its responsibilities under the CPSL and this chapter.

#### **LAW ENFORCEMENT OFFICIALS**

##### **§ 3490.381. Law enforcement assistance.**

A county agency staff member may request a law enforcement officer to be present at any time during the course of fulfilling the county agency's staff person's responsibilities under the CPSL and this chapter without violating the confidentiality provisions of the CPSL or this chapter when the worker fears for his own safety or the safety of anyone else involved.

#### **ANNUAL PLAN**

##### **§ 3490.391. County agency plan.**

The county agency shall comply with Chapter 3140 (relating to planning and financial reimbursement requirements for county children and youth social service programs) regarding the development and submission of a plan for the provisions of protective services required by the CPSL and this chapter.

#### **TRANSFER OF CASES**

##### **§ 3490.401. Intercounty transfer of cases.**

(a) County agencies shall share that information with each other which will assist them in providing services to children and parents in delivering protective services.

(b) When a report of suspected child abuse or neglect is under investigation or assessment or when a case has been accepted for protective services and the family moves to another county, and the address is known, the county shall:

(1) Immediately telephone the receiving county agency and tell them the name and address of the child and parents, the reason for agency involvement, the status of the case, the services that were being provided, the level of risk assigned to the case and any other information that would assist the receiving agency.

(2) Within 24 hours of the phone call, send a fax to the receiving agency to confirm the referral. The faxed information shall contain the name and address of the child and parents, the level of risk assigned to the case and the status of the case.

(c) The receiving agency shall accept the referral and determine what services are necessary to protect the child from abuse or neglect.

(d) When the case is a high risk case, the receiving county agency shall reassess the risk of abuse or neglect

to the child and see the child within 24 hours of receiving the telephone referral. The county agency worker shall see the child at the child's new address.

(e) Within 72 hours of the telephone referral, the referring agency shall fax or send to the receiving agency by overnight mail:

- (1) The family demographics.
- (2) The current family service plan and placement amendment.
- (3) The current risk assessment matrix and summary.
- (4) Court petitions and court orders.
- (5) A social summary, when available.
- (6) A copy of the CY-48 and other relevant ChildLine forms.
- (7) Other information that would assist the receiving agency in providing services to the child and parents.

(f) When a report of suspected child abuse or neglect is under investigation or assessment or when a case has been accepted for protective services and the family moves to another county, and the county where the child has moved to is known but not the street address, the referring county agency shall telephone the receiving county and give them the names and dates of birth of the child and parents. The receiving county shall accept and keep the information on file if the child or parents are subsequently referred to the receiving agency. If the family is referred to the receiving county agency, the receiving county agency shall contact the referring agency and follow the procedures under subsections (c) and (d) and request the referring agency to send the information under subsection (e).

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